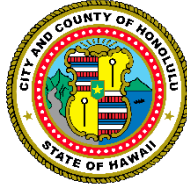


**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



KIRK CALDWELL
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: November 13, 2019

Kapālama Hale
Conference Room 153, 1st Floor
925 Dillingham Boulevard
Honolulu, Hawaii 96817

Present: Hon. Victoria Marks (ret.), Chair
Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
David B. Monk, Commissioner
Hon. Allene Suemori (ret.), Commissioner
Jan K. Yamane, Executive Director and Legal Counsel (EDLC)
Laurie Wong-Nowinski, Associate Legal Counsel (ALC)
Janice K. Yonamine, Investigator (INV)
Moana Yost, Deputy Corporation Counsel,
Department of the Corporation Counsel (COR)
2 Members of the Public (media)

Excused: Michael Lilly, Esq., Vice Chair

MINUTES OF THE ETHICS COMMISSION MEETING

I. Call to Order, Public Notice, Quorum

Chair Marks called the meeting to order at 11:36 a.m., declaring quorum with all commissioners present with the exception of Vice Chair Lilly.

II. New Business

A. Chair's Report

1. Announcements, Introductions, Correspondence, and Additional Distribution

Chair Marks announced that today was Legal Clerk III (Temporarily Assigned) Kristine Bigornia's last day. Unfortunately, Ms. Bigornia was unable to attend the meeting due to personal matters. She thanked Ms. Bigornia for being a teamplayer and for her good work. Chair Marks further announced that the Legal Clerk III position is now vacant and that the Commission is recruiting.

2. For Action: Approval of Open Session Minutes of October 16, 2019
Commissioner Amano made and Commissioner Suemori seconded a motion to approve the open session minutes of October 16, 2019. The motion carried unanimously.
3. For Action: Approval of Executive Session Minutes of October 16, 2019
Commissioner Kanda made and Commissioner Monk seconded a motion to approve the executive session minutes of October 16, 2019. The motion carried unanimously.
4. For Action: Nomination, Vote for Chair, Vice Chair – Calendar Year 2020 (taken out of order)
After discussion, Commissioner Suemori made and Commissioner Amano seconded a motion for Victoria Marks to continue to serve as Chair and David Monk to serve as Vice Chair. The motion passed unanimously with the exceptions of Commissioner Monk who abstained, and Chair Marks, who voted no.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary

EDLC announced that today is the Legal Clerk III's last day. Staff spent the last reporting period preparing for her departure, after which professional staff will perform clerical duties as there is no clerical staff. Department of the Corporation Counsel (COR) has offered to assist, which we will accept. The Investigator's work pie chart shows more administration than investigations and will continue to look that way until clerical staff is hired. ALC has been primarily working to push out ethics training. No work pie chart for ALC is available for this reporting period.

2. Statistics

- a. Website Sessions – October 2019 (431)

3. Education and Outreach

- a. Ethics Training Program (FY19–FY20)

EDLC stated that personnel issues at DIT (Department of Information and Technology) and our office, have delayed the launch of online ethics training. The goal is to administer the training by Thanksgiving. We are also waiting on DIT to complete the out of network platform for board and commission members to take training. In the meantime we will revert to the old method of burning DVDs and asking board and commission liaisons to manually track member training.

- b. E-Newsletter – November 2019

EDLC stated staff intends to develop a one-page gift flyer in time for the holidays, pending this meeting's gifts discussion.

- c. Integrity Hotline for City & County of Honolulu Employees

Legal Clerk III was to provide the update, but she is absent today.

4. Legislation

a. For Discussion: City Ethics Laws

i. Clarify Who Can Initiate a Complaint

EDLC recapped the discussion on this item from the October 16, 2019 Commission meeting. Chair Marks acknowledged written testimony by Sandy Ma (Common Cause).

Chair Marks asked ALC for her research on this matter. ALC responded that she researched the Rules of Procedure from the Hawai'i State Ethics Commission (State Commission) and the County Commissions of Kaua'i, Maui, and Hawai'i Island. The State Commission requires that after receipt of anonymous information, staff performs a limited preliminary investigation (reviewing public documents to verify allegations and contacting state officers and employees) unless the State Commission initiates an investigation to determine whether a charge should be issued. The State Commission defines the nature and scope of the investigation via a resolution passed by a majority.

Hawai'i County requires complaints to be in writing and signed by the complainant. The Hawai'i County Board of Ethics does not have the authority to initiate complaints. Maui County Board of Ethics initiates complaints restrictions. Kaua'i County Board of Ethics initiates complaints which must be in writing and signed by one or more board members. Commissioner Suemori commented that she liked the checks and balances and that she would like to see the legislative history behind Revised Ordinances of Honolulu Sec. 3-6.7.

ALC reminded the Commission that during the October meeting, **Chair Marks made and Vice Chair Lilly seconded a motion that the Commission delegate to Commission staff the ability to initiate complaints and that the Commission would take steps to amend ROH 3-6.7. Chair Marks stated that as a matter of process, a copy of the minutes regarding the motion should be attached to a case file whenever staff initiates a complaint.**

Chair Marks expressed concern that the Commission's Rules of Procedure (ECRP) expand the scope of legal authority beyond ROH Sec. 3-6.7 which only provides for the Commission to initiate a complaint. However, the Commission ECRP allows for both the Commission and EDLC to initiate a complaint.

COR Deputy Yost suggested that the Commission amend ROH Sec. 3-6.7 to include the EDLC as being able to initiate a complaint.

Commissioner Amano stated that the Office of Disciplinary Council (ODC), has 20 commissioners on their board. They

designate a commissioner to work with the staff; thereafter, the commissioner is recused from the matter. Commissioner Amano suggested this method to address the current situation. There was further discussion regarding this matter.

The Commission discussed revision of the law and the ECRP based on priorities in the Commission's Strategic Plan. Commissioner Adler asked how the State Ethics Commission initiates complaints. Chair Marks cited Hawai'i Revised Statutes (HRS) Sec. 84-31, "any charge initiated by the commission shall be signed by three or more members of the commission."

Commissioner Adler asked whether staff has a list of top five (5) specific laws that need to be revised. EDLC answered in the negative, that there were only general categories of gifts, financial disclosures, and lobbying laws. COR Deputy Yost stated that usually when you revise one law, more are affected and also need to be amended because they are interdependent.

Commissioner Amano asked the EDLC what she needs and EDLC replied that she would like to designate Commission members for a Permitted interaction group (PIG) to develop a list of laws that need to be revised.

After considering staff shortages and the upcoming filing period for financial disclosures and lobbyists, the Commission decided that no PIG could be established until the clerical staff positions are filled, possibly until March. The EDLC asked for Commission members to volunteer for the PIG: Commissioners Suemori and Monk, and Chair Marks volunteered.

Commissioner Adler made and Commissioner Amano seconded a motion to establish a PIG in the new year (2020) to review the top priorities of the Strategic Plan including but not limited to gifts, lobbying, and financial disclosure laws. The motion passed unanimously.

- ii. Clarify Definition of "Confidential"

This item was deferred to the next meeting.

5. Education Opportunities – Commissioners and Staff

- a. COGEL 41st Annual Conference (December 15-18, 2019), Chicago Marriott Downtown, Chicago, IL – Update

This item was deferred to the next meeting.

6. For Discussion and Action: Request for Formal Advisory Opinion – Should the Gift Guidelines Be Amended to Prohibit City Officers and Employees from Accepting Gifts from Persons Doing Business with Their City Agency, Regardless of the Value of the Gift (i.e., Reconsider Current Exceptions that Allow Acceptance of Tokens of Aloha and Gifts of Relatively Small Value from Persons Doing Business with A City Agency)

****AGENDA ITEM TAKEN OUT OF ORDER****

Chair Marks requested that this item be discussed out of order due to its importance. EDLC explained that this is a carry-over item from the October 13, 2019 Commission meeting. The Commission received testimony from Nicole Velasco, former Neighborhood Commission Office Executive Director; Keala O'Sullivan and Walter Billingsley, employees from the Department of Design and Construction; and Sandy Ma (Common Cause).

Chair Marks explained the Commission's options: (1) Leave the gift policy as is; (2) clarify the definition of tokens of aloha (e.g., set a dollar amount); (3) prohibit all gifts.

Commissioner Kanda stated that she would like option (2) with clarifications that the gift must be shared with the office and also a set dollar amount.

Commissioner Suemori commented that lei cannot be shared.

Chair Marks asked for an example of questions the Commission receives regarding tokens of aloha. EDLC stated that someone who does business with the city agency wanted to provide a chili and rice lunch during the holidays for an entire city office of approximately 75 people; cost would be approximately \$10 per person. The gift is usually offered and accepted by the director; office staff often are unaware who provided the food.

ALC stated that if it is analyzed as a personal gift, it would fall below the current dollar amount of \$50 per person and would be acceptable. ALC stated that in the alternative, this situation could be analyzed as a gift to the city and accepted by the City Council via resolution.

Chair asked if lunch for an office is considered a token of aloha. Commissioner Suemori stated that a chili and rice lunch should be considered a token of aloha whereas foie gras and champagne should not be considered a token of aloha. Commissioner Kanda stated that she believed that there was a \$50 maximum. ALC confirmed this is the status quo. The testimonies received requested that the Commission allow tokens of aloha. One testimony suggested that the dollar amount be reduced to \$24.99. Commissioner Suemori stated that she likes having a framework and likes \$24.99, instead of \$10, as you can't buy anything for \$10 anymore. She further stated that Hawai'i has a culture of aloha and she does not want the Commission to suppress it, although she doesn't want people to abuse it. She wants to create language to clarify what is acceptable.

Commissioner Adler stated that he was still undecided on this matter, but suggested adding language limiting tokens of aloha to items that are edible, wearable, and grow-able.

Commissioner Amano asked what's the harm in saying "no gifts" except for lei valued under \$50? She further stated that having a "no gifts" rule will make it clear and simple for everyone. Commissioners Kanda stated that she likes the idea that people can show aloha; therefore, it should be clarified as to what is acceptable. Commissioner Suemori agreed.

Commissioner Monk asked if other jurisdictions that have a "no gifts" policy and if so, how well they are working? ALC responded that based on her research of nine (9) other jurisdictions including the U.S. Office of Government Ethics (U.S. OGE), most allowed for some token of appreciation ranging between \$10 - \$50. Commissioner Monk commented that it is not just Hawai'i that has these types of customs and issues regarding tokens of appreciation.

Chair Marks referred to the ALC's research and commented that she likes the idea of a dollar limit and clarifications as defined by the U.S. OGE. She suggested that we define what is acceptable, such as: lei, plants, modest food items such as soft drinks, coffee and donuts. She further stated that we could add in baked goods, for example, manapua; items must be shareable, except for a lei or plant; and then clarify what's not allowed, such as alcoholic beverages, cash, gift cards, vouchers or anything that could be traded in for cash.

Commissioners Kanda and Suemori both liked following the national standard and clarify dos and don'ts.

Chair Marks reiterated the Commission's options: (1) keep the status quo; (2) include a new dollar limit and clarify what's acceptable; or (3) have a zero-tolerance policy except for lei.

Commissioner Suemori suggested language for a motion that sets a dollar limit to \$24.99 and includes acceptable and not acceptable items per what Chair previously mentioned from U.S. OGE. Chair Marks added that she would not allow parceling gift lunches to the departments to make them personal gifts.

Commissioner Amano reminded everyone that she had a motion on the table from the Commission's October 16, 2019 meeting. ALC referred to the minutes and stated that **Commissioner Amano made and Commissioner Adler seconded a motion to adopt a zero-tolerance rule except for lei.**

Commissioner Suemori called for the question. The motion failed. Ayes: Commissioners Amano, Adler; Nays: Commissioners Monk, Kanda, and Suemori, and Chair Marks.

Commissioner Monk proposed that the Commission retain the status quo and defer Commissioner Suemori's motion to the next meeting in February 2020 so that staff could draft proposed language that includes the items from the discussion.

Chair Marks confirmed that we should retain the status quo for purposes of issuing this year's gifts newsletter in a timely manner; she also suggested that the Commission refer to the research (10.13.2019 Exhibit B meeting materials) for the next meeting to possibly use language from other jurisdictions, including a suggestion to include golf and cart fees as prohibited gifts. She requested that the EDLC put this matter on the agenda for next meeting.

Commissioner Adler asked ALC if we have had a long history of complaints regarding tokens of aloha? ALC responded that historically there was a large issue about gifts in general, but not tokens of aloha. Chair Marks stated that with the increased training, employees have become more aware of these issues.

III. Strategic Planning

A. *Ethics Commission–2027 (Amended)*

1. For Discussion and Action: Delegation of Authority by Ethics Commission to Ethics Commission Investigator to Self-Initiate Investigations on Behalf of the Commission
2. For Discussion and Action: Community Outreach Plan (DRAFT) and Whether the Ethics Commission May Create a Permitted Interaction Group (PIG) for Community Outreach and Media Response

3. For Discussion: May the Ethics Commission:
 - i. Create a PIG for Community Outreach and Media Response
 - ii. Delegate One Commissioner to Speak on Behalf of the Ethics Commission

This matter was deferred to the next meeting.

VI. Adjournment

- A. For Discussion: Reconsider Proposed Scheduled Meeting Date: June 17, 2020

The meeting date was rescheduled for June 24, 2020.

- B. Next Scheduled Meeting Date: February 19, 2020

Vice Chair Monk will run the meeting as Chair Marks is unavailable.

At approximately 1:01 p.m., Commissioner Suemori made and Commissioner Monk seconded a motion to adjourn the Ethics Commission meeting. The motion carried unanimously.

WELCOME TO THE ETHICS COMMISSION MEETING

Please sign in at the testimony table.

As a courtesy, please silence your cell phone.



Date: February 19, 2020

Time: 11:30 a.m.

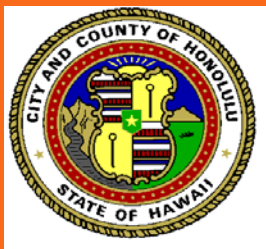
Place: Kapālama Hale

925 Dillingham Boulevard

Conf. Rm. 153, 1st Floor

ORDER OF BUSINESS

I. Call to Order, Public Notice, Quorum



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II.A. NEW BUSINESS, CHAIR'S REPORT

1. Announcements, Introductions, Correspondence, and Additional Distribution
 - a. Reso 19-284 – Reappointment of Victoria Marks to Serve on the Ethics Commission
 - Adopted Jan. 29, 2020
 - b. Reso 19-322 – Reappointment of Allene Suemori to Serve on the Ethics Commission
 - Council agenda - Feb. 19, 2020



II.A. CHAIR'S REPORT

c. Staffing

- i. Sr. CLK (P/T) – Joanne Lim
- ii. Sr. CLK (P/T) – Kristie Kato
- iii. Priv. Secty (COR) – Jill Yamashiro,
assisting Ethics
- iv. Legal Clerk III – pending approval



II.A. CHAIR'S REPORT

2. For Action: Approval of Open Session Minutes of November 13, 2019



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II.B. EXECUTIVE DIRECTOR AND LEGAL COUNSEL'S (EDLC) REPORT

1. Staff Work Reports Summary

- Sr. Clerk P/T (2)
- Priv. Sect'y
- Investigator
- Associate Legal Counsel



II.B.1. STAFF WORK REPORTS–HIGHLIGHTS SENIOR CLERK (2)

- Volunteer (1) – Dec. 2019 & Jan. 2020
- Sr. Clerk (2) – On-board Feb. 2020
- Managing front-office, phones, emails
- Assisting lobbyist, financial disclosure filing inquiries
- Updating website, uploading & reorganizing documents
- Filing, meeting administration, other



II.B.1. STAFF WORK REPORTS–HIGHLIGHTS PRIVATE SECRETARY

- Correspondence (letters, memos, other)
- Purchased new shredder
- Managing front-office, phones, emails
- Assisting lobbyist, financial disclosure filing inquiries
- Assisting & coordinating ethics procedures, conforming to admin processes, protocols
- Compiling bd/comm lists, liaisons, others

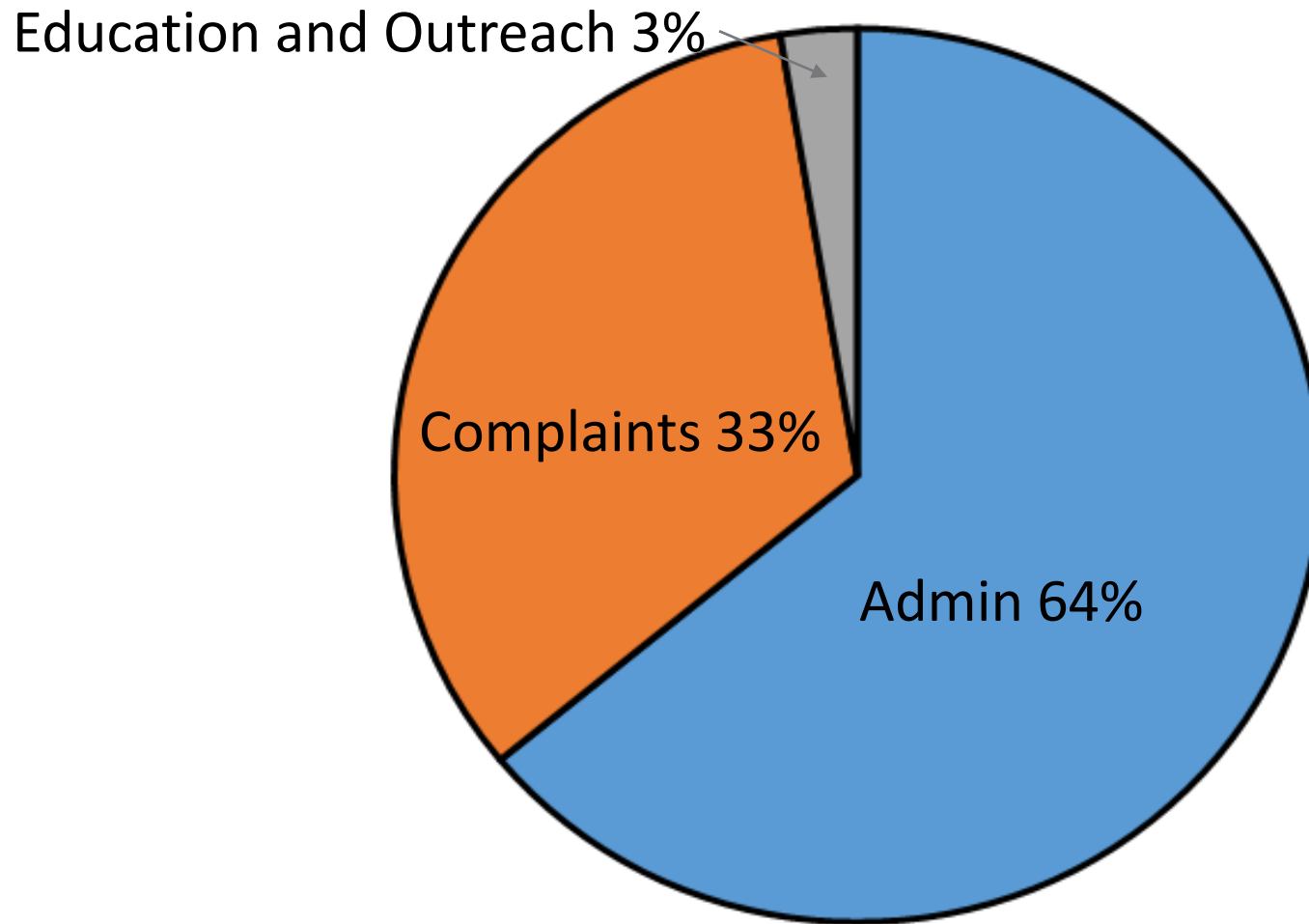


II.B.1. STAFF WORK REPORTS – HIGHLIGHTS INVESTIGATOR

- Assisting front office (phones, emails), other admin functions
- Managing case load
- Assisting with case processing, procedures



II.B.1. STAFF WORK REPORTS SUMMARY INVESTIGATOR



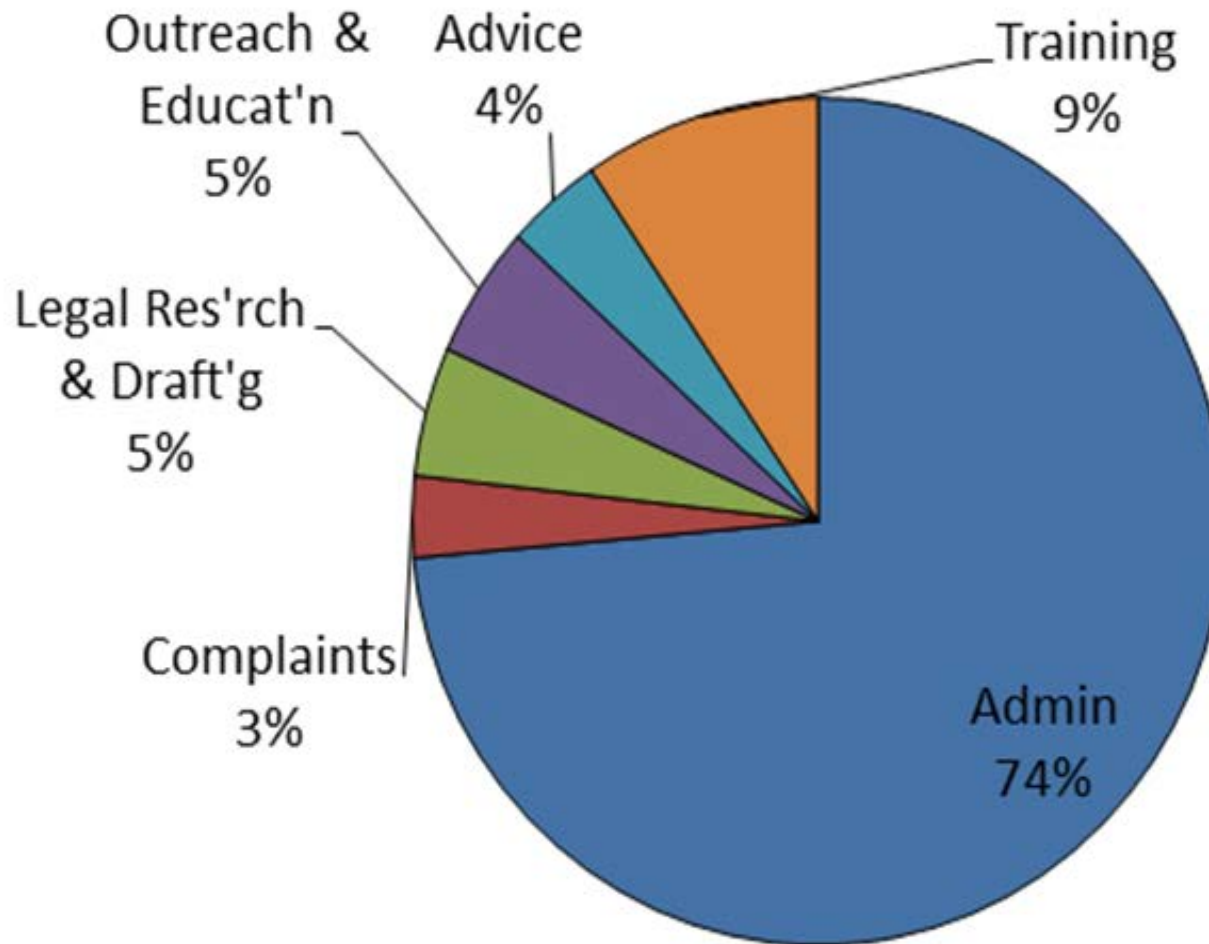
II.B.1. STAFF WORK REPORTS - HIGHLIGHTS

ASSOCIATE LEGAL COUNSEL

- Assisting front office (phones, emails), other admin functions
- Training/outreach – working w/ IT to launch, finalize internal & public interface; Twitter content; other
- Handling requests for advice, legal research
- Investigating, prosecuting cases, training INV
- Training, orienting new staff



II.B.1. STAFF WORK REPORTS SUMMARY ASSOCIATE LEGAL COUNSEL



II.B.2. STATISTICS

a. Website Sessions

- November 2019 – 365
- December 2019 – 391
- January 2020 – 858



II.B.2. STATISTICS

- b. Financial Disclosures (Due Jan. 31, 2020)
- Elected officials, directors, dep. directors (public)
 - Board/commission members (confidential) - 100
 - Certain city employees (confidential) - 369



II.B.2. STATISTICS

c. Lobbyists (Due Jan. 10, 2020)

- 2020 Registrations - 211
- 2019 Annual Reports - 175



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II.B.2. STATISTICS

- d. City Department and Agency Reports for Fiscal Year July 1, 2018 – June 30, 2019
 - Customer Services Dept. publishes annual report
 - Ethics website links to report
 - Ethics data will be used to support FY 2021 budget request
- e. 2019 Service Efforts & Accomplishments Report (Office of the City Auditor), Ch. 4, Ethics Commission – Draft



II.B.3. BUDGET

b. FY2021 Operating Budget Request

- Pending Mayor's final review, decisions
- Requesting 3 positions
 1. Administrative Specialist
 2. Training Specialist
 3. Investigator
- Training, contract \$\$, other expenses



II.B.4 EDUCATION AND OUTREACH

a. Ethics Training Program (FY19–FY20)

- Ethics online platform (learning management system) malfunctioning
- Trouble-shooting with IT Dept.
- Launch delayed, extending completion deadline to Dec. 31, 2020



II.B.4 EDUCATION AND OUTREACH (cont'd)

b. E-Newsletter, Twitter, Website

- E-Newsletter
 - ✓ Holiday gifts edition (Nov. 2019)
 - ✓ Campaign activities, post-city employment editions (target Feb., May 2020)
 - ✓ Amended gifts guidance (issue post-EC decision)



II.B.4 EDUCATION AND OUTREACH (cont'd)

b. E-Newsletter, Twitter, Website

- Twitter
 - ✓ Feedback, pros/cons
 - ✓ Council on Governmental Ethics Laws (COGEL), ALC social media session (Dec. 2019)



II.B.4 EDUCATION AND OUTREACH (cont'd)

b. E-Newsletter, Twitter, Website

- Website

- ✓ What We Do / What We Don't Do
- ✓ 2020 lobbyist registrations, 2019 annual reports – upload pending review



II.B.4 EDUCATION AND OUTREACH (cont'd)

c. Brochure – Ethics Guidance for City Board Members (v. 1 DRAFT)

- Developing series of ethics brochures – City Design and Print Center
- Simple message with same look, feel
- About Ethics Commission, Lobbyists, Gifts Guide, Campaign Activities, others



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II.B.4 EDUCATION AND OUTREACH (cont'd)

d. University of Hawai'i at Mānoa, Richardson School of Law

- Panel discussion on government
- March 2020
- ALC on panel



II.B.5. LEGISLATION – CITY ETHICS LAWS

- a. For Discussion: City ethics laws
 - i. Clarify who can initiate a complaint
 - ii. Clarify definition of “confidential”

(exec sess. HRS §92-5(a)(4), as needed)



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II.B.5.a. CITY ETHICS LAWS

Revised Charter of Honolulu (RCH) - § 11-107

Revised Ordinances of Honolulu (ROH)

§ 3-6.3(j)

§ 3-6.7(a)

§ 3-6.11

§ 3-6.12



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II.B.5.b. RESOLUTION 19-331

- Introduced by CM Waters
- Jan. 29, 2020 – Council referred to Executive Matters & Legal Affairs Committee
- Reso must be passed by July/Aug. 2020
- Placed on Nov. 2020 ballot
- Gives Commission budget flexibility



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II.B.5.c. HAWAI‘I STATE LEGISLATURE

- i. HB 361, HD1, SD1 Relating to Emoluments
- ii. HB 1927, Relating to Emoluments



II.B.5.c. HAWAI‘I STATE LEGISLATURE

iii. Honolulu Star-Advertiser Articles

- *Insights – Lawmakers should advance ethics bills* (Jan. 12, 2020)
- *New bill would limit ‘revolving door’ for [state] lobbyists* (Feb. 3, 2020)
- *Editorial: Ethics reform bills deserve a hearing* (Feb. 4, 2020)



II.B.6. EDUCATION OPPORTUNITIES

- a. Council on Governmental Ethics Laws (COGEL)
41st Annual Conf. (Dec. 15-18, 2019)
 - 2 Commissioners, 2 staff – report
 - ALC participation – innovations showcase, social media session
- b. Hawai‘i Tribune Herald Article – *Board asks if ongoing blockade of Maunakea Access Road is allowed under county ethics code*



II.B.7. REQUEST FOR FORMAL ADVISORY OPINION

For Discussion and Action:

Should the Gift Guidelines be amended to prohibit city officers, employees from accepting gifts from persons doing business with their city agency, regardless of the value of the gift (i.e., reconsider exceptions allowing acceptance of tokens of aloha, gifts of relatively small value)



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II.B.7. REQUEST FOR FORMAL ADVISORY OPINION (cont'd)

Civil Beat Articles

- *Honolulu City Council Voted On
Company's Project Then Let It Buy Lunch
(Dec. 10, 2019)*
- *Free Lunch From A Contractor Is Annual
Tradition at Honolulu Hale (Dec. 27,
2019)*



II.B.7. REQUEST FOR FORMAL ADVISORY OPINION (cont'd)

Tokens of Aloha (now)

- **Officers/employees**
 - ✓ May accept
 - ✓ Small tokens of aloha (e.g., lei, shareable food)
 - ✓ Valued at <\$50
- **Zero-tolerance policy for law enforcement**



II.B.7. REQUEST FOR FORMAL ADVISORY OPINION (cont'd)

Gifts Guidance (now)

- **Officers/employees**

- ✓ May not solicit, accept gift
- ✓ In the aggregate >\$200/year
- ✓ From 1 source

Most jurisdictions have exception for nominal gifts, tokens of appreciation, \$10–\$50



V.A. STRATEGIC PLANNING – *EC 2027*

1. For Discussion and Action:

Delegation of authority by the EC to EC's investigator to self-initiate investigations on behalf of the EC



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V.A. STRATEGIC PLANNING – *EC 2027*

2. For Discussion and Action:

Community Outreach Plan (DRAFT);
whether the EC may form a permitted
interaction group (PIG) for community
outreach, media response



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V.A. STRATEGIC PLANNING – EC 2027

3. For Discussion:

May the Commission:

- a. Create a PIG for community outreach and media response
- b. Delegate 1 commissioner to speak on behalf of the Commission



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V.A. STRATEGIC PLANNING – *EC 2027*

4. PIG – Review Strategic Plan top priorities (Meeting No. 1, Mar. 2020) law changes

- Chair Marks
- Vice-Chair Monk
- Cmmr. Suemori
- EC Staff



VI. ADJOURNMENT

Next meeting – April 15, 2020

Scheduled Meeting Dates	Reserved Meeting Dates
	January 15, 2020
February 19, 2020	March 18, 2020
April 15, 2020	May 20, 2020
June 24, 2020	July 15, 2020
August 19, 2020	September 16, 2020
October 21, 2020	November 18, 2020
December 16, 2020	



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VI. ADJOURNMENT

Aloha and Mahalo for Attending

Website: www.honolulu.gov/ethics Email: ethics@honolulu.gov

Twitter: @HonEthicsComm



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Agenda Item II.A.1.a.

Page 1

**[Reso 19-284 - Re
Reappointment of
Victoria Marks]**

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
S T A T U S

284

RESOLUTION 19-

Introduced: 11/05/19

By:

IKAIKA ANDERSON – BY
REQUEST

Committee:

PUBLIC HEARING,
EXECUTIVE
MATTERS AND
LEGAL AFFAIRS

Title: RESOLUTION RELATING TO THE REAPPOINTMENT OF VICTORIA MARKS TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Voting Legend: * = Aye w/Reservations

11/23/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
12/04/19	COUNCIL	PUBLIC HEARING CLOSED AND RESOLUTION REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
01/21/20	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-11(20) – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MENOR, PINE, TSUNEYOSHI, WATERS. 2 EXCUSED: ANDERSON, MANAHAN.
01/29/20	COUNCIL	CR-11(20) AND RESOLUTION 19-284 WERE ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI. 1 ABSENT: WATERS.



APPROVED VERSIONS:	COMMITTEE REPORTS:	AGENDAS:	MINUTES:
<u>RES19-284</u>	<u>CR-11(20)</u>	<u>12/04/19 - COUNCIL</u> <u>01/21/20 - EMLA</u> <u>01/29/20 - COUNCIL</u>	<u>12/04/19 - COUNCIL</u> <u>01/21/20 – EMLA</u> <u>SUMMARY</u>
		<u>Speaker Registration/Testimony</u>	

Proposed Drafts:

Related Communications:

No.	From
2020	Communications
<u>M-6</u>	Testimony for 01/21/20 EMLA meeting.
<u>M-18</u>	Testimony for 01/21/20 EMLA meeting.
<u>M-62</u>	Testimony for 01/29/20 Council meeting.

2019 **Communications**

MM-132 MAYOR CALDWELL – Draft Resolution.
M-784 Early testimony for 12/04/19 Council meeting.
M-811 Additional testimony for 12/04/19 Council meeting.



RESOLUTION

RELATING TO THE REAPPOINTMENT OF VICTORIA MARKS TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 11-107 of the Revised Charter of the City and County of Honolulu, 1973 ("Charter"), as amended, establishes an Ethics Commission ("Commission") comprised of seven members appointed by the Mayor and confirmed by the Council to five-year terms; and

WHEREAS, the Commission has the basic duties of rendering advisory opinions and conducting investigations concerning the application of the standards of ethical conduct of the City and recommending appropriate disciplinary action against city officers and employees who violate the standards; and

WHEREAS, Section 11-107 of the Charter prohibits members of the Commission from taking an active part in political management or in political campaigns; and

WHEREAS, Section 13-103 of the Charter requires a Commission member to be a registered voter of the City; and

WHEREAS, by Mayor's letter, dated November 1, 2019, the Mayor has reappointed Ms. Victoria Marks to the Commission; and

WHEREAS, if confirmed by the Council, Ms. Marks will serve a term expiring on December 31, 2024; and

WHEREAS, the Council has reviewed Ms. Marks' qualifications and character and finds that Ms. Marks qualifies to serve on the Commission; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body confirms the reappointment of Ms. Victoria Marks to the Ethics Commission for a term expiring on December 31, 2024; and

BE IT FURTHER RESOLVED that the Council expresses its gratitude and appreciation to Ms. Marks for her willingness to be considered for public service and actively participate in city government; and

MM-132(19)

PH EMLA



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-284

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, Chair of the Ethics Commission, and Victoria Marks.

INTRODUCED BY:



(br)

DATE OF INTRODUCTION:

NOV 5 2019

Honolulu, Hawaii

Councilmembers

Agenda Item II.A.1.b.

Page 1

**[Reso 19-322 - Re
Reappointment of Allene
Suemori]**

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
S T A T U S

RESOLUTION 19-322

Introduced: 11/26/19 By: IKAIKA ANDERSON – BY
REQUEST Committee:

PUBLIC HEARING,
EXECUTIVE
MATTERS AND
LEGAL AFFAIRS

Title: RESOLUTION RELATING TO THE REAPPOINTMENT OF ALLENE SUEMORI TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

Voting Legend: * = Aye w/Reservations

01/18/20	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
01/29/20	COUNCIL/PUBLIC HEARING	PUBLIC HEARING CLOSED AND RESOLUTION REFERRED TO COMMITTEE ON EXECUTIVE MATTERS AND LEGAL AFFAIRS. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: KOBAYASHI.
02/04/20	EXECUTIVE MATTERS AND LEGAL AFFAIRS	CR-45(20) – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. 6 AYES: ANDERSON, ELEFANTE, KOBAYASHI, MENOR, TSUNEYOSHI, WATERS. 3 EXCUSED: FUKUNAGA, MANAHAN, PINE.



APPROVED VERSIONS:	COMMITTEE REPORTS:	AGENDAS:	MINUTES:
<u>RES19-322</u>	<u>CR-45(20)</u>	<u>01/29/20 - COUNCIL</u> <u>02/04/20 - EMLA</u>	
		<u>Speaker Registration/Testimony.</u>	

Proposed Drafts:

Related Communications:

No.	From
<u>MM-147</u>	MAYOR CALDWELL – Draft Resolution.
<u>M-60</u>	Testimony for 01/29/20 Council meeting.
<u>M-85</u>	Testimony for 02/04/20 EMLA meeting.
<u>M-94</u>	Testimony for 02/04/20 EMLA meeting.



RESOLUTION

RELATING TO THE REAPPOINTMENT OF ALLENE SUEMORI TO SERVE ON THE ETHICS COMMISSION OF THE CITY AND COUNTY OF HONOLULU.

WHEREAS, Section 11-107 of the Revised Charter of the City and County of Honolulu, 1973 ("Charter"), as amended, establishes an Ethics Commission ("Commission") comprised of seven members appointed by the Mayor and confirmed by the Council to five-year terms; and

WHEREAS, the Commission has the basic duties of rendering advisory opinions and conducting investigations concerning the application of the standards of ethical conduct of the City and recommending appropriate disciplinary action against city officers and employees who violate the standards; and

WHEREAS, Section 11-107 of the Charter prohibits members of the Commission from taking an active part in political management or in political campaigns; and

WHEREAS, Section 13-103 of the Charter requires a Commission member to be a registered voter of the City; and

WHEREAS, by Mayor's letter, dated November 26, 2019, the Mayor has reappointed Ms. Allene Suemori to the Commission; and

WHEREAS, if confirmed by the Council, Ms. Suemori will serve a term expiring on December 31, 2024; and

WHEREAS, the Council has reviewed Ms. Suemori's qualifications and character and finds that Ms. Suemori qualifies to serve on the Commission; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that this body confirms the reappointment of Ms. Allene Suemori to the Ethics Commission for a term expiring on December 31, 2024; and

BE IT FURTHER RESOLVED that the Council expresses its gratitude and appreciation to Ms. Suemori for her willingness to be considered for public service and actively participate in city government; and

MM-147(19)

PH EMLA



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 19-322

RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, Chair of the Ethics Commission, and Allene Suemori.

INTRODUCED BY:

(br)

DATE OF INTRODUCTION:

NOV 26 2019

Honolulu, Hawaii

Councilmembers

Agenda Item II.A.2.

Page 1

**[Approval of Open
Session Minutes of
November 13, 2019]**

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: ethics@honolulu.gov • INTERNET: www.honolulu.gov/ethics



KIRK CALDWELL
MAYOR

JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

Date and Place: November 13, 2019
Kapālama Hale
Conference Room 153, 1st Floor
925 Dillingham Boulevard
Honolulu, Hawai'i 96817

Present: Hon. Victoria Marks (ret.), Chair
Peter S. Adler, Commissioner
Hon. Riki Amano (ret.), Commissioner
Lynette Lo Kanda, Commissioner
David B. Monk, Commissioner
Hon. Allene Suemori (ret.), Commissioner
Jan K. Yamane, Executive Director and Legal Counsel (EDLC)
Laurie Wong-Nowinski, Associate Legal Counsel (ALC)
Janice K. Yonamine, Investigator (INV)
Moana Yost, Deputy Corporation Counsel,
Department of the Corporation Counsel (COR)
2 Members of the Public (media)

Excused: Michael Lilly, Esq., Vice Chair

MINUTES OF THE ETHICS COMMISSION MEETING

- I. Call to Order, Public Notice, Quorum
Chair Marks called the meeting to order at 11:36 a.m., declaring quorum with all commissioners present with the exception of Vice Chair Lilly.
- II. New Business
 - A. Chair's Report
 1. Announcements, Introductions, Correspondence, and Additional Distribution
Chair Marks announced that today was Legal Clerk III (Temporarily Assigned) Kristine Bigornia's last day. Unfortunately, Ms. Bigornia was unable to attend the meeting due to personal matters. She thanked Ms. Bigornia for being a teamplayer and for her good work. Chair Marks further announced that the Legal Clerk III position is now vacant and that the Commission is recruiting.

2. For Action: Approval of Open Session Minutes of October 16, 2019
Commissioner Amano made and Commissioner Suemori seconded a motion to approve the open session minutes of October 16, 2019. The motion carried unanimously.
3. For Action: Approval of Executive Session Minutes of October 16, 2019
Commissioner Kanda made and Commissioner Monk seconded a motion to approve the executive session minutes of October 16, 2019. The motion carried unanimously.
4. For Action: Nomination, Vote for Chair, Vice Chair – Calendar Year 2020 (taken out of order)
After discussion, Commissioner Suemori made and Commissioner Amano seconded a motion for Victoria Marks to continue to serve as Chair and David Monk to serve as Vice Chair. The motion passed unanimously with the exceptions of Commissioner Monk who abstained, and Chair Marks, who voted no.

B. Executive Director and Legal Counsel's Report

1. Staff Work Reports Summary

EDLC announced that today is the Legal Clerk III's last day. Staff spent the last reporting period preparing for her departure, after which professional staff will perform clerical duties as there is no clerical staff. Department of the Corporation Counsel (COR) has offered to assist, which we will accept. The Investigator's work pie chart shows more administration than investigations and will continue to look that way until clerical staff is hired. ALC has been primarily working to push out ethics training. No work pie chart for ALC is available for this reporting period.

2. Statistics

- a. Website Sessions – October 2019 (431)

3. Education and Outreach

- a. Ethics Training Program (FY19–FY20)

EDLC stated that personnel issues at DIT (Department of Information and Technology) and our office, have delayed the launch of online ethics training. The goal is to administer the training by Thanksgiving. We are also waiting on DIT to complete the out of network platform for board and commission members to take training. In the meantime we will revert to the old method of burning DVDs and asking board and commission liaisons to manually track member training.

- b. E-Newsletter – November 2019

EDLC stated staff intends to develop a one-page gift flyer in time for the holidays, pending this meeting's gifts discussion.

- c. Integrity Hotline for City & County of Honolulu Employees

Legal Clerk III was to provide the update, but she is absent today.

4. Legislation

a. For Discussion: City Ethics Laws

i. Clarify Who Can Initiate a Complaint

EDLC recapped the discussion on this item from the October 16, 2019 Commission meeting. Chair Marks acknowledged written testimony by Sandy Ma (Common Cause).

Chair Marks asked ALC for her research on this matter. ALC responded that she researched the Rules of Procedure from the Hawai'i State Ethics Commission (State Commission) and the County Commissions of Kaua'i, Maui, and Hawai'i Island. The State Commission requires that after receipt of anonymous information, staff performs a limited preliminary investigation (reviewing public documents to verify allegations and contacting state officers and employees) unless the State Commission initiates an investigation to determine whether a charge should be issued. The State Commission defines the nature and scope of the investigation via a resolution passed by a majority.

Hawai'i County requires complaints to be in writing and signed by the complainant. The Hawai'i County Board of Ethics does not have the authority to initiate complaints. Maui County Board of Ethics initiates complaints restrictions. Kaua'i County Board of Ethics initiates complaints which must be in writing and signed by one or more board members. Commissioner Suemori commented that she liked the checks and balances and that she would like to see the legislative history behind Revised Ordinances of Honolulu Sec. 3-6.7.

ALC reminded the Commission that during the October meeting, **Chair Marks made and Vice Chair Lilly seconded a motion that the Commission delegate to Commission staff the ability to initiate complaints and that the Commission would take steps to amend ROH 3-6.7. Chair Marks stated that as a matter of process, a copy of the minutes regarding the motion should be attached to a case file whenever staff initiates a complaint.**

Chair Marks expressed concern that the Commission's Rules of Procedure (ECRP) expand the scope of legal authority beyond ROH Sec. 3-6.7 which only provides for the Commission to initiate a complaint. However, the Commission ECRP allows for both the Commission and EDLC to initiate a complaint.

COR Deputy Yost suggested that the Commission amend ROH Sec. 3-6.7 to include the EDLC as being able to initiate a complaint.

Commissioner Amano stated that the Office of Disciplinary Council (ODC), has 20 commissioners on their board. They

designate a commissioner to work with the staff; thereafter, the commissioner is recused from the matter. Commissioner Amano suggested this method to address the current situation. There was further discussion regarding this matter.

The Commission discussed revision of the law and the ECRP based on priorities in the Commission's Strategic Plan. Commissioner Adler asked how the State Ethics Commission initiates complaints. Chair Marks cited Hawai'i Revised Statutes (HRS) Sec. 84-31, "any charge initiated by the commission shall be signed by three or more members of the commission."

Commissioner Adler asked whether staff has a list of top five (5) specific laws that need to be revised. EDLC answered in the negative, that there were only general categories of gifts, financial disclosures, and lobbying laws. COR Deputy Yost stated that usually when you revise one law, more are affected and also need to be amended because they are interdependent.

Commissioner Amano asked the EDLC what she needs and EDLC replied that she would like to designate Commission members for a Permitted interaction group (PIG) to develop a list of laws that need to be revised.

After considering staff shortages and the upcoming filing period for financial disclosures and lobbyists, the Commission decided that no PIG could be established until the clerical staff positions are filled, possibly until March. The EDLC asked for Commission members to volunteer for the PIG: Commissioners Suemori and Monk, and Chair Marks volunteered.

Commissioner Adler made and Commissioner Amano seconded a motion to establish a PIG in the new year (2020) to review the top priorities of the Strategic Plan including but not limited to gifts, lobbying, and financial disclosure laws. The motion passed unanimously.

ii. Clarify Definition of "Confidential"

This item was deferred to the next meeting.

5. Education Opportunities – Commissioners and Staff

a. COGEL 41st Annual Conference (December 15-18, 2019), Chicago Marriott Downtown, Chicago, IL – Update

This item was deferred to the next meeting.

6. For Discussion and Action: Request for Formal Advisory Opinion – Should the Gift Guidelines Be Amended to Prohibit City Officers and Employees from Accepting Gifts from Persons Doing Business with Their City Agency, Regardless of the Value of the Gift (i.e., Reconsider Current Exceptions that Allow Acceptance of Tokens of Aloha and Gifts of Relatively Small Value from Persons Doing Business with A City Agency)

****AGENDA ITEM TAKEN OUT OF ORDER****

Chair Marks requested that this item be discussed out of order due to its importance. EDLC explained that this is a carry-over item from the October 13, 2019 Commission meeting. The Commission received testimony from Nicole Velasco, former Neighborhood Commission Office Executive Director; Keala O'Sullivan and Walter Billingsley, employees from the Department of Design and Construction; and Sandy Ma (Common Cause).

Chair Marks explained the Commission's options: (1) Leave the gift policy as is; (2) clarify the definition of tokens of aloha (e.g., set a dollar amount); (3) prohibit all gifts.

Commissioner Kanda stated that she would like option (2) with clarifications that the gift must be shared with the office and also a set dollar amount.

Commissioner Suemori commented that lei cannot be shared.

Chair Marks asked for an example of questions the Commission receives regarding tokens of aloha. EDLC stated that someone who does business with the city agency wanted to provide a chili and rice lunch during the holidays for an entire city office of approximately 75 people; cost would be approximately \$10 per person. The gift is usually offered and accepted by the director; office staff often are unaware who provided the food.

ALC stated that if it is analyzed as a personal gift, it would fall below the current dollar amount of \$50 per person and would be acceptable. ALC stated that in the alternative, this situation could be analyzed as a gift to the city and accepted by the City Council via resolution.

Chair asked if lunch for an office is considered a token of aloha. Commissioner Suemori stated that a chili and rice lunch should be considered a token of aloha whereas foie gras and champagne should not be considered a token of aloha. Commissioner Kanda stated that she believed that there was a \$50 maximum. ALC confirmed this is the status quo. The testimonies received requested that the Commission allow tokens of aloha. One testimony suggested that the dollar amount be reduced to \$24.99. Commissioner Suemori stated that she likes having a framework and likes \$24.99, instead of \$10, as you can't buy anything for \$10 anymore. She further stated that Hawai'i has a culture of aloha and she does not want the Commission to suppress it, although she doesn't want people to abuse it. She wants to create language to clarify what is acceptable.

Commissioner Adler stated that he was still undecided on this matter, but suggested adding language limiting tokens of aloha to items that are edible, wearable, and grow-able.

Commissioner Amano asked what's the harm in saying "no gifts" except for lei valued under \$50? She further stated that having a "no gifts" rule will make it clear and simple for everyone. Commissioners Kanda stated that she likes the idea that people can show aloha; therefore, it should be clarified as to what is acceptable. Commissioner Suemori agreed.

Commissioner Monk asked if other jurisdictions that have a "no gifts" policy and if so, how well they are working? ALC responded that based on her research of nine (9) other jurisdictions including the U.S. Office of Government Ethics (U.S. OGE), most allowed for some token of appreciation ranging between \$10 - \$50. Commissioner Monk commented that it is not just Hawai'i that has these types of customs and issues regarding tokens of appreciation.

Chair Marks referred to the ALC's research and commented that she likes the idea of a dollar limit and clarifications as defined by the U.S. OGE. She suggested that we define what is acceptable, such as: lei, plants, modest food items such as soft drinks, coffee and donuts. She further stated that we could add in baked goods, for example, manapua; items must be shareable, except for a lei or plant; and then clarify what's not allowed, such as alcoholic beverages, cash, gift cards, vouchers or anything that could be traded in for cash.

Commissioners Kanda and Suemori both liked following the national standard and clarify dos and don'ts.

Chair Marks reiterated the Commission's options: (1) keep the status quo; (2) include a new dollar limit and clarify what's acceptable; or (3) have a zero-tolerance policy except for lei.

Commissioner Suemori suggested language for a motion that sets a dollar limit to \$24.99 and includes acceptable and not acceptable items per what Chair previously mentioned from U.S. OGE. Chair Marks added that she would not allow parceling gift lunches to the departments to make them personal gifts.

Commissioner Amano reminded everyone that she had a motion on the table from the Commission's October 16, 2019 meeting. ALC referred to the minutes and stated that **Commissioner Amano made and Commissioner Adler seconded a motion to adopt a zero-tolerance rule except for lei.**

Commissioner Suemori called for the question. The motion failed. Ayes: Commissioners Amano, Adler; Nays: Commissioners Monk, Kanda, and Suemori, and Chair Marks.

Commissioner Monk proposed that the Commission retain the status quo and defer Commissioner Suemori's motion to the next meeting in February 2020 so that staff could draft proposed language that includes the items from the discussion.

Chair Marks confirmed that we should retain the status quo for purposes of issuing this year's gifts newsletter in a timely manner; she also suggested that the Commission refer to the research (10.13.2019 Exhibit B meeting materials) for the next meeting to possibly use language from other jurisdictions, including a suggestion to include golf and cart fees as prohibited gifts. She requested that the EDLC put this matter on the agenda for next meeting.

Commissioner Adler asked ALC if we have had a long history of complaints regarding tokens of aloha? ALC responded that historically there was a large issue about gifts in general, but not tokens of aloha. Chair Marks stated that with the increased training, employees have become more aware of these issues.

III. Strategic Planning

A. *Ethics Commission--2027 (Amended)*

1. For Discussion and Action: Delegation of Authority by Ethics Commission to Ethics Commission Investigator to Self-Initiate Investigations on Behalf of the Commission
2. For Discussion and Action: Community Outreach Plan (DRAFT) and Whether the Ethics Commission May Create a Permitted Interaction Group (PIG) for Community Outreach and Media Response

3. For Discussion: May the Ethics Commission:
 - i. Create a PIG for Community Outreach and Media Response
 - ii. Delegate One Commissioner to Speak on Behalf of the Ethics Commission

This matter was deferred to the next meeting.

VI. Adjournment

- A. For Discussion: Reconsider Proposed Scheduled Meeting Date: June 17, 2020

The meeting date was rescheduled for June 24, 2020.

- B. Next Scheduled Meeting Date: February 19, 2020

Vice Chair Monk will run the meeting as Chair Marks is unavailable.

At approximately 1:01 p.m., Commissioner Suemori made and Commissioner Monk seconded a motion to adjourn the Ethics Commission meeting. The motion carried unanimously.

Agenda Item II.B.2.d.

Page 2

**[City & County of
Honolulu Department &
Agency Reports
FY 7/1/18 – 6/30/19]**



DEPARTMENT AND AGENCY REPORTS

for Fiscal Year July 1, 2018 – June 30, 2019





DEPARTMENT OF THE CORPORATION COUNSEL

Donna Y.L. Leong, Corporation Counsel

Paul S. Aoki, First Deputy Corporation Counsel (July 2018 – January 2019)

Acting Corporation Counsel (January 2019 – present)

Amy R. Kondo, Acting First Deputy Corporation Counsel (January 2019 – present)

POWERS, DUTIES AND FUNCTIONS

The Department of the Corporation Counsel (COR) serves as the chief legal adviser and legal representative of all city agencies, the City Council, and all officers and employees of the city in matters relating to their official powers and duties. The department represents the city in all legal proceedings and performs all other legal services required by the Revised Charter of the City and County of Honolulu or other laws. Under the charter, the Ethics Commission is attached to COR for administrative purposes only.

Counseling and Drafting Division

The Counseling and Drafting Division (C&D) comprises four sections: Finance, Infrastructure and Community Services, Real Estate and Land Use, and Personnel and Public Safety.

C&D provides legal advice to the Mayor, the city departments and agencies, the City Council and its committees, and the city boards and commissions. In this advisory capacity, C&D renders oral and written opinions; drafts and reviews bills and resolutions for submission to, or being considered by, the City Council or the state legislature; advances and presents testimony on the city's position on legal issues presented in state legislation; reviews and approves as to form and legality legal documents to which the city is a signatory; attends meetings of the City Council, the council committees, and the city boards and commissions; and provides legal representation on behalf of the city in state and city administrative proceedings and in selected court proceedings, such as real property tax appeals, eminent domain proceedings, quiet title proceedings, partitions of land court property, administrative appeals, foreclosures, bankruptcy actions, interpleader actions for the return of seized property, certain specialized litigation and other matters as may be assigned.

Litigation Division

The Litigation Division (LIT) provides certain legal representation of the city, and its officers and employees acting within the course and scope of their official duties, in state and federal courts in the state of Hawaii, including the trial and appellate courts. LIT processes and, if necessary, litigates certain claims by or against the city and such officers and employees, including tort, contract, civil rights, employment and collection claims. LIT prosecutes liquor law violations before the Liquor Commission, and advises and represents the Honolulu Police Department with regard to subpoenas duces tecum.

Honolulu Ethics Commission¹

The mission of the Ethics Commission is to ensure that city officers and employees understand and follow the standards of conduct governing their work for the public. The Commission's main focus is to deter conflicts of interest and the misuse of government resources or positions by city personnel. The Commission implements its objectives through a balance of training programs, advisory opinions, enforcement actions and legislation.

The seven Commission members are appointed by the Mayor and confirmed by the City Council. Commissioners serve staggered five-year terms.

ACCOMPLISHMENTS

- Obtained a jury trial verdict in favor of three Honolulu Police Department officers accused of using excessive force when deploying a Taser and pepper spray; and prevailed on a motion to dismiss a related case involving allegations that the city failed to properly train and supervise its police officers;
- Represented the Department of Budget and Fiscal Services (BFS) on an appeal to the Intermediate Court of Appeals (ICA) to clarify the definition of "income" under the County Tax Credit ordinance (ROH Chapter 8, Article 13) where the ICA affirmed BFS's interpretation that Roth IRA distributions are included in the computation of "income" in determining a titleholder's qualification for low-income tax credit;
- Assisted BFS in establishing a claim recovery pilot program for damage to city property caused by motor vehicles which allows BFS and its consultant, with COR approval, to negotiate, adjust, settle, and compromise claims up to \$15,000;
- Obtained an order terminating a 1997 Consent Decree addressing city street and sidewalk accessibility, which found that the city substantially complied with all work and other requirements of five prior stipulated agreements and orders, and consequently helped to develop and implement a comprehensive program addressing accessibility design guidelines and general policies and procedures for future curb ramp installation with public rights-of-way;
- Negotiated a consent decree to resolve allegations against the Department of Environmental Services and Waste Management of Hawaii, Inc., operator of the city's Waimanalo Gulch Sanitary Landfill (WGSL), arising from the discharge of stormwater from WGSL during heavy rainfall in December 2010 and January 2011;

¹ The Ethics Commission is attached to the Department of the Corporation Counsel for administrative purposes only.

- Expanded successfully the Ethics Commission's outreach and education program with new and innovative initiatives, including interactive small group training utilizing a game show format; enhanced presence in city agencies with Elfie the Ethics Elf's holiday greetings and reminders; an updated newsletter format with dynamic shareable content enabling online distribution and engagement; and continued tweets about government ethics news, trends, and tips;
- Enhanced the Commission's data collection by gathering, measuring, and reporting all Commission work to inform strategic planning decisions on adequate budget and staffing; education, outreach, prosecutorial, and hearings functions; and legislation and rule-making to clarify and improve city ethics laws, including financial disclosures, lobbyists, and conflicts of interest.

ETHICS COMMISSION¹	FY 2016	FY 2017	FY 2018	FY 2019
Contacts Received (requests for advice, concerns, misc. inquiries)	344	268	613	481
Contacts Answered (requests for advice, concerns, misc. inquiries)	219	182	601	458
Ethics Concerns Received	111	86	58	108
Employees Trained	5,172	809	9,686	843
Board, Commission Members Trained	0	0	176	0
Disclosures Received (financial, conflict of interest, outside interest, candidate, nomination, other)	746	774	841	878
Ethics Commission Meetings	16	14	11	8
Informal/Formal Advisory Opinions Issued	1	3	1	109 / 5
Lobbyist Registrations, Annual Reports Received	213	268	323	378

Agenda Item II.B.2.e.

Page 2

**[2019 Service Efforts &
Accomplishments Report
– City Auditor - Draft]**

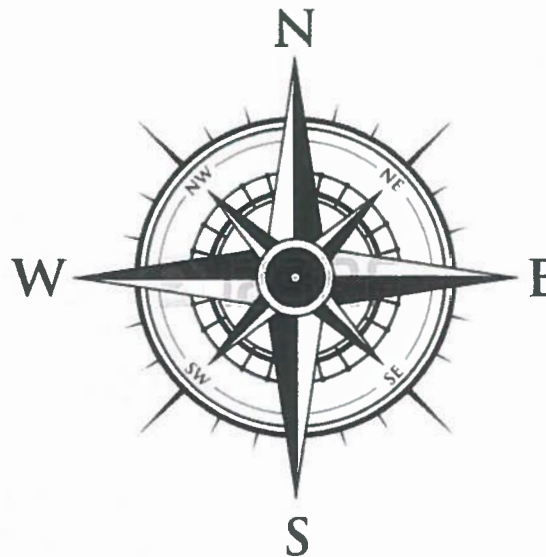
Chapter 4 - Honolulu Ethics Commission

The Ethics Commission has seven commissioners who are appointed by the mayor and confirmed by the city council for five-year staggered terms. The commission develops and implements education programs, including mandatory standards of conduct training and re-training for all city personnel. It also recommends legislation before the council; develops guidelines explaining the standards of conduct; reviews and maintains financial disclosure statements of city officials with significant discretionary authority; and regulates lobbying and lobbyists.

The commission renders advice to city personnel on standards of conduct questions; reviews and investigates standards of conduct concerns; recommends discipline to appointing authorities for standards of conduct violations; and imposes civil fines for violations by exempt or elected officials.

The commission is administratively attached to the Department of the Corporation Counsel.

DRAFT



The Compass: Navigating Ethics for the City and County of Honolulu
Source: Honolulu Ethics Commission News Bulletin December 2017



To ensure that all employees, elected officials, and appointed officers demonstrate the highest of standards of ethical conduct so that the public may have trust and confidence in the integrity of government.

"We hold the public's trust."

Mission Statement

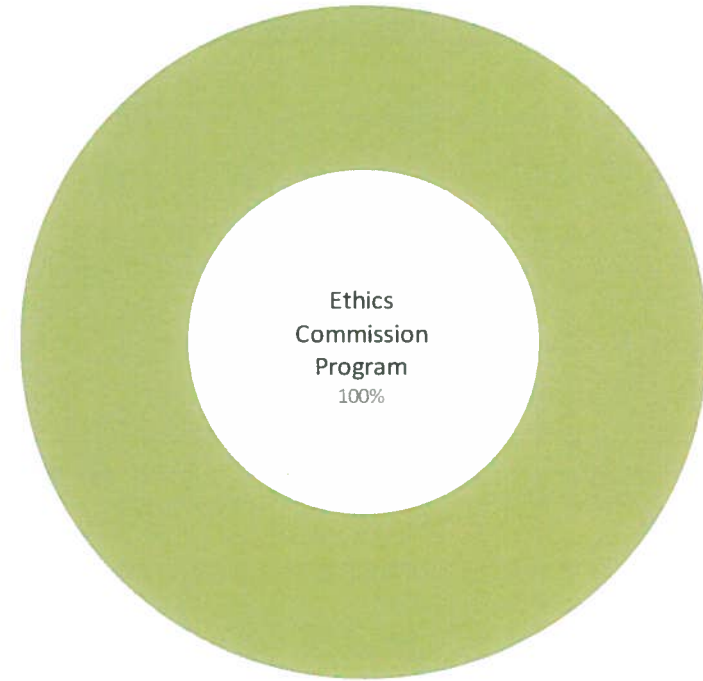
Spending and Staffing

DRAFT

Fund Sources



Fund Uses



	Total Operating Expenditures	Staffing		Cost Per FTE ¹
		Total Authorized FTE	Total Vacant FTE	
FY 2015	\$351,982	6	2	\$58,664
FY 2016	\$375,231	6	3	\$62,539
FY 2017	\$429,490	6	0	\$71,582
FY 2018	\$344,699	6	1	\$57,450
FY 2019	\$378,954	6	2	\$63,159
Change from last year	10%	0%	100%	10%
Change over last 5 years	8%	0%	0%	8%

Source: Department of Budget and Fiscal Services. ¹Cost Per FTE = Total Operating Expenditures/Total Authorized FTE.

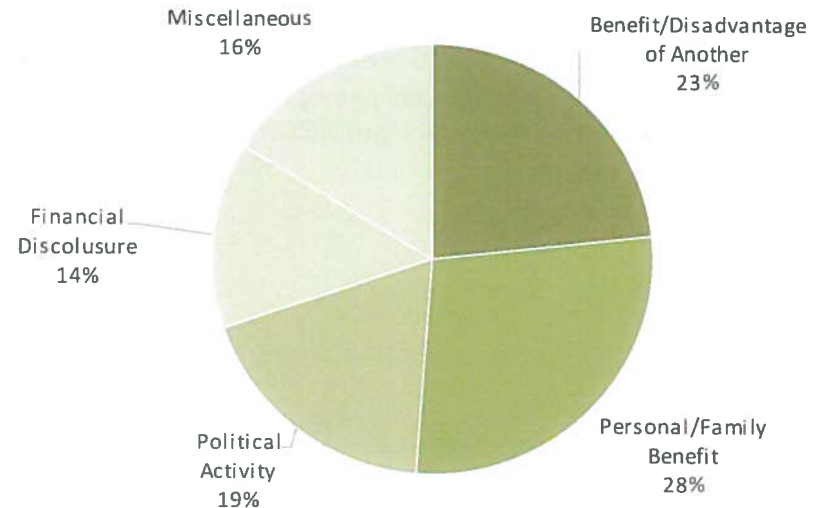
Ethics Commission

Total ethics training completed has varied over the past five years, decreasing from 858 in FY 2015 to 843 in FY 2019. Training decreased 91% from FY 2018 to FY 2019 from 9,862 employees trained to the current figure of 843. The commission attributes this to the development and implementation of online standards of conduct training curriculum for all city personnel and board and commission members. Although new employees are trained on an on-going basis throughout the two-year biennium, most mandatory re-training is conducted during the biennium's second year, which will be FY 2020 so an increase in the number of employees that will be trained is expected.

Total ethics concerns received increased by 16% over the past five years, from 93 concerns received in FY 2015 to 108 received in FY 2019. Those concerns have increased by 86% from FY 2018 in which 58 were received.

During this same period of time, the commission notes decreases in contacts received from 613 received in FY 2018 to 481 received in FY 2019, a 22% decrease. Contacts answered decreased 24% from 601 answered in FY 2018 to 458 in FY 2019. The commission attributes the decrease to no online training or classroom video training in the first year of the ethics training biennium.

Top Five Ethics Concerns Received FY 2019



Source: Honolulu Ethics Commission.

	Total Ethics Training Completed ¹	Contacts Received	Ethics Concerns Received	Contacts Answered
FY 2015	858	307	93	319
FY 2016	5172	344	111	219
FY 2017	809	268	86	182
FY 2018	9862	613	58	601
FY 2019	843	481	108	458
Change from last year	-91%	-22%	86%	-24%
Change over last 5 years	-2%	57%	16%	44%

Source: Honolulu Ethics Commission. ¹Ethics training provided to city employees and board and commission members.

Highlights

Spending

DRAFT



Operating Expenditures

\$378 K ▲ 10%

The commission attributes the 10% increase from \$344,699 in FY 2018 to \$378,954 in FY 2019 to salary increases for the executive director and legal counsel.

National Community Survey



- Residents' ratings of government performance in *Acting in the best Interest of Honolulu* was 17% and *Treating all residents fairly* 21% in FY 2019 compared to 28% and 27% in FY 2018. This is an overall decrease of 11% and 6%, respectively.



Ethics Compass

Courtesy of Honolulu Ethics Commission

FY 2019 ACCOMPLISHMENTS

- Expanded outreach and education program with new initiatives, including interactive small group training utilizing a game show format, enhanced presence in city agencies with Elf the Ethics Elf's holiday greeting and reminders, and updated newsletter format with shareable content.
- Enhanced data collection by gathering, measuring and reporting all Commission work.

CHALLENGES MOVING FORWARD — FY 2020

- Additional staffing is needed to fulfill all ethics functions as mandated by the State Constitution, City Charter and Ordinances.*
- Additional resources are needed to achieve the Commission's strategic objectives, including strengthening capabilities and procedures, as well as realigning ethics programs for compliance, effectiveness and efficiency.*

Agenda Item II.B.4.b.

Page 2

**[E-Newsletter, Twitter,
Website - Update]**

Elfy's Holiday Gifts Guidelines — FAQs

The holidays are a time of giving and receiving gifts. Elfy wrote these FAQs to help city personnel stay off Santa's "naughty" list by making ethical gift decisions. These FAQs describe the lowest threshold required to comply with the City's Standards of Conduct. **Your agency may set a higher gifts standard, however, so check with your manager or supervisor.**

Q1: What is a gift?

A: Anything that you did not pay full value for.

Q2: When may I accept a gift?

A: It depends. Ask yourself, "Would a reasonable person think that the gift influences my decision or rewards me for doing my city job?" If the answer is "yes," politely refuse the gift. Blame it on the Grinch.

Q3: What about accepting unsolicited gifts of food, like a box of manapua that can be shared with my co-workers during the holidays? Some citizens are really grateful for the services we provide and want to show aloha.

A: Generally yes. You may accept small items (*tokens of aloha*) that are edible, may be shared or worn (lei), or grown (plant), and are valued at less than \$50, up to \$200 per source, per fiscal year. You should refuse gifts of liquor, cash, or anything that may be exchanged for cash such as gift cards and vouchers.

Q4: A private company offered to buy lunch for our city office of over 50 people. May we accept?

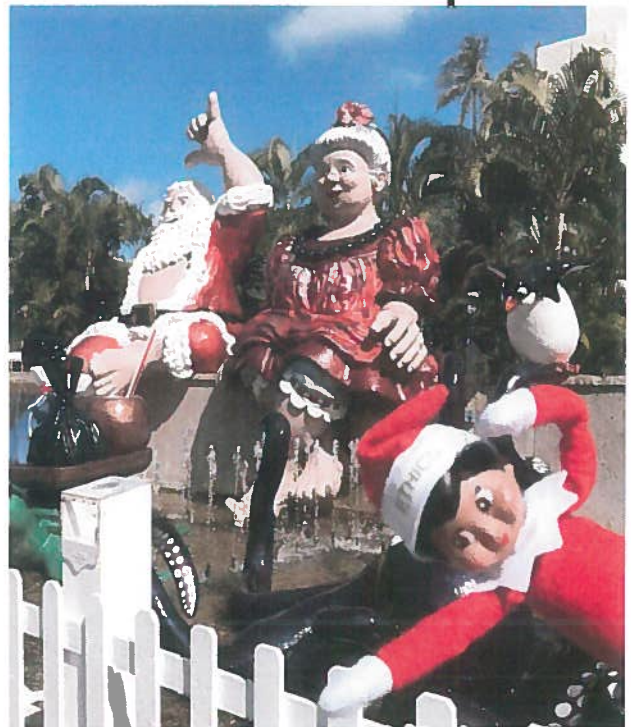
A: Generally yes, if the lunch is relatively simple and modestly priced per person (e.g., bento or chili/rice, drink, and dessert) and the private company has no business before your city agency.

Every situation is different, so don't hesitate to call 768-9242 or email your gifts questions to ethics@honolulu.gov. Santa will be so happy to have us on his "nice" list! Enjoy Elfy's quick reference gift guide brochure.

Happy Ethical Holidays~

Ethics Commission (and Elfy, the Ethics Elf!)

12/2019



GIFT QUICK REFERENCE GUIDE *

Question 1: Who is offering the gift?



Usually prohibited, regardless of the value of the gift

If the gift giver is a person or business that is:

- regulated by my agency
- applying for a permit with my agency
- involved in a contested case with my agency
- a contractor, consultant, or vendor of my agency
- a lobbyist



May be allowed, depending on the circumstances of the gift

If the gift giver is a non-profit organization or trade association:

- these gifts are allowable under some circumstances and prohibited under others.

Contact us for advice:
(808) 768-9242
ethics@honolulu.gov
www.honolulu.gov/ethics



Usually allowed, depending on the value of the gift and City purpose

If the gift giver is:

- a foundation or government agency that wants to support City employees working in my field
- a family member or long-time friend who doesn't do any business with my agency (usually OK, unless you think you were given the gift because of your City position)

Question 2: Does the gift benefit the City? (e.g., free lunch and program)

No, it only benefits me personally. I could conduct business in my office, and attending this event is not the best way to serve the public. I should not accept the gift of free lunch and program.

Yes, it benefits the City. The lunch and program are related to my City job, and I can use what I learn at the event to help me do a better job for the City. I can accept this gift.

*This guide is not a substitute for legal advice. Please contact the Honolulu Ethics Commission if you have a question.
Ph: 735-5441; E-mail: ethics@honolulu.gov; Website: www.honolulu.gov/ethics



City and County of Honolulu
Ethics Commission

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Ethics Commission

Jan K. Yamane

Executive Director & Legal Counsel

Kapālama Hale
925 Dillingham Blvd., Suite 190
Honolulu, Hawaii 96817
Phone: (808) 768-9242
Fax: (808) 768-7768
Email: ethics@honolulu.gov

Tweets by @HonEthicsComm



Honolulu Ethics Com

@HonEthicsComm

Welcome to our new Sr. Clerk
Kristie Kato! #ethics #cchnl
#goodgov



31 Jan 2020



Honolulu Ethics Com

@HonEthicsComm

#ethicsisfinallyentertaining
<https://twitter.com/PhillyOIG/status/1222522115292913664>

29 Jan 2020



Honolulu Ethics Com

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<https://twitter.com/NYCCOIB/status/1222535836295737345>

29 Jan 2020

Honolulu Ethics
Commission Retweeted



Ethics in Bricks

@EthicsInBricks

"We can judge the heart of a man
by his treatment of animals."
- Immanuel Kant

Embed

View on Twitter

What's New!

Agenda Item 11.B.4.b., Page 2, [E-N ewsletter, Twitter,Website - Update]

[GO TO TOP](#)

NEW! The Honolulu Ethics Commission: What We Do / What We Don't Do!

What We Do



The Ethics Commission advises, educates, and enforces the City's Standards of Conduct in the Revised Charter of Honolulu, Article XI.

Includes:

- Personal and financial conflict of interest
- Conflict of interest disclosure
- Outside business activities disclosure
- Accepting and soliciting gifts
- Safeguarding confidential information
- Receiving outside compensation for City work
- Appearing on behalf of private interests before City agencies
- Representing private interests against the City
- Restrictions on post-city employment
- Preferential treatment
- Financial transactions with subordinates
- Financial disclosure filings (public and confidential)
- Lobbyist registrations and annual reports

What We DON'T Do



The Ethics Commission does not address issues beyond our jurisdiction. For these matters, contact the appropriate city, state, or federal agency for assistance.

City Agencies:

- Management issues and union grievances: *Department of Human Resources (DHR) - (808) 768-8500*
- Fraud, waste, and abuse of city resources: *Department of Budget and Fiscal Services, Internal Control Division - (808) 768-4381*
- Procurement and purchasing: *Department of Budget and Fiscal Services, Purchasing Division - (808) 768-5535*
- General complaint hotline: *Department of Customer Services - (808) 768-4381*
- Criminal conduct or other emergency: *Honolulu Police Department - 911 or Professional Standards Office*
- City audit requests: *Office of the City Auditor - (808) 768-3134*

State Agencies:

- State employee Code of Conduct questions and violations: *Hawai'i State Ethics Commission - (808) 587-0460*
- Campaign donations and expenditures, campaign data: *Hawai'i Campaign Spending Commission - (808) 586-0285*
- Record requests, sunshine law: *State Office of Information Practices - (808) 586-1400*
- Civil rights violations: *Hawai'i Civil Rights Commission - (808) 586-8636*
- Workplace Safety: *State Department of Labor and Industrial Relations, Hawai'i Occupational Safety and Health Division - (808) 586-0119*
- State audit requests: *Office of the Auditor - (808) 587-0800*

NEW! Financial Disclosure forms are now available! Click [here](#) to access forms.

NEW! 2020 Lobbyist Registration and 2019 Annual Report forms are now available! Click [here](#) to access forms.

JOB OPPORTUNITY - We are hiring for the position of Legal Clerk III (exempt included) Bargaining Unit 3, SR 14. Salary commensurate with experience. If interested, please submit cover letter and resume to: ethics@honolulu.gov, subject line: Legal Clerk III Application.

Strategic Plan: Ethics Commission - 2027 (August 21, 2019)

Newsletters and Guidance

December 2019 - Holiday Gift Guidelines

October 2019

August 2019

May 2019

Last Updated: 03 February 2020

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Agenda Item II.B.4.c.

Page 2

**[Brochure – Ethics
Guidance for City Board
Members (v1 Draft)]**

HONOLULU ETHICS COMMISSION

Mission Statement

To ensure that all employees, elected officials, and appointed officers demonstrate the highest standards of ethical conduct so that the public may have trust and confidence in the integrity of government.

“We hold the public’s trust.”



Honolulu Ethics Commission

Kapālama Hale

925 Dillingham Blvd., Suite 190
Honolulu, HI 96817

P: 808.768.9242

F: 808.768.7768

E: ethics@honolulu.gov

 [@HonEthicsComm](https://twitter.com/HonEthicsComm)

02.2020

DRAFT v.1 ETHICS GUIDANCE FOR CITY BOARD MEMBERS

Frequently Asked Questions (FAQs)

Q: WHAT IS A CONFLICT OF INTEREST?

A: A conflict of interest occurs when you have a personal interest that may affect how you carry out your official city board duties. The test is whether a reasonable person would question your impartiality.

Disclose a conflict of interest in writing to the Mayor's office and the Ethics Commission as soon as it arises. Use the Disclosure of Conflict of Interest form posted on the Commission's website. Recuse yourself and leave the meeting.

Q: MAY I REPRESENT MY PRIVATE BUSINESS BEFORE A CITY AGENCY?

A: Yes, you may appear before a city agency or city board, except the board on which you serve.

After your term expires, you are prohibited for 1 year from being paid for work on matters that came before your board. Remember that confidential city information remains confidential even after you leave the board.

Q: I AM A NEW BOARD MEMBER, WHAT DO I DO?

A: Your board liaison will coordinate:

- Ethics training. Complete board member online ethics training within 6 months of becoming a board member.
- Financial disclosure statement. File a confidential financial disclosure statement with the Ethics Commission: 1) within 20 working days after taking the oath of office; 2) annually by January 31st of each year; and 3) within 10 working days before leaving office.

Contact the Ethics Commission for financial disclosure guidance.

Do the Right Thing!

- Base your decisions on relevant information.
- Make decisions that serve the public interest.
- Do not let personal interests influence your decision.
- Recuse yourself from decision-making if you have a personal interest.

Remember... board and commission members are city officers and must follow the City's ethics laws.

Mahalo for volunteering to serve the public.

Agenda Item II.B.5.a.

Page 2

**[Revised Charter &
Revised Ordinances of
Honolulu (excerpts only)]**

Item II.B.5. Legislation

Revised Charter of Honolulu (RCH), Revised Ordinances of Honolulu (ROH) (excerpts only)

RCH Section 11-107. Ethics Commission –

There shall be within the department of the corporation counsel for administrative purposes only an ethics commission which shall consist of seven members. The commission shall be governed by the provisions of Section 13-103 of this charter. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from the provisions of Chapter 11 of Article VI of this charter, but such staff positions, except the position of executive director and staff attorneys, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salaries of the executive director and any staff attorneys of the ethics commission shall be set by the ethics commission. The salary of the executive director shall not exceed the salary of the first deputy corporation counsel and the salaries of any other staff attorney shall not exceed the salary of the executive director.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article of the charter and shall have the powers provided in Section 13-114 of this charter.

The commission may, on its own initiative, render advisory opinions with respect to this article of the charter. An advisory opinion shall be rendered

pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article of the charter or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article of the charter or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation.

* * * * *

ROH Sec. 3-6.3 Powers, duties and functions. *[paragraph (j) only]*

(j) The commission may disclose the name of any officer or employee who has been determined by the commission, following investigation and a hearing or opportunity for a hearing, to have violated any of the provisions of Article 8 of this chapter or of Article XI of the revised charter in accordance with HRS Chapter 92F.

* * * * *

ROH Sec. 3-6.7 Complaints. *[paragraph (a) only]*

(a) Any person may submit a written complaint to the commission, which shall be signed by the complainant. The complaint shall relate to an actual situation and shall set forth the pertinent facts if known, including the names of those involved and the nature of the alleged acts or omissions. The commission shall not consider any complaint that is not submitted in writing and signed by the complainant, except that it may consider one initiated by the commission.

* * * * *

ROH Sec. 3-6.11 Definitions.

As used in this article:

“Advisory opinion” means a written or oral response by the commission or its staff to a request for advice or a complaint.

“Complaint” means a written statement of facts or allegations giving rise to a reasonable inference that a violation of the standards of conduct by an officer or an employee has occurred, which statement is either: (1) submitted to the ethics commission by a person other than the person whose conduct is in question; or (2) initiated by the commission, based on written or non-written information.

“Employee” means the same as defined in Revised Charter Section 13-101.3 and shall include employees of the board of water supply and the Honolulu Authority for Rapid Transportation.

“Formal advisory opinion” means a written opinion in response to a request for advice or a complaint approved by an affirmative vote of the majority of the entire membership of the commission.

“Officer” means the same as defined in Revised Charter Section 13-101.4 and shall include officers of the board of water supply and the Honolulu Authority for Rapid Transportation.

“Request for advice” means a written or oral request to the commission for an opinion whether the conduct of an officer or employee would be a violation of the standards of conduct.

“Standards of conduct” means the provisions regarding ethical conduct stated in Article XI of the Revised Charter and Article 8 of this chapter.

* * * * *

ROH Sec. 3-6.12 Confidentiality of commission records.

(a) All advisory opinions, files, records, reports, writings, documents, exhibits, electronic records and other information prepared or received by the

commission or its staff or consultants relating to a request for advice or a complaint shall be held in confidence and no information as to the contents thereof shall be disclosed, unless such disclosure is:

- (1) The result of the information being presented to or received by the commission at a hearing or meeting that is open to the public;
- (2) Ordered by a court of competent jurisdiction;
- (3) Reasonably required by the commission, its staff or consultant to investigate or otherwise discharge its duties regarding the request for advice or the complaint, including but not limited to providing information to the appointing authority or council, in the case of a councilmember, in support of the commission's advisory opinion and recommended disciplinary action, unless otherwise protected by law. If disciplinary action is taken against an employee, the employee's exclusive representative shall also be entitled to the information, unless otherwise protected by law; or
- (4) Allowed or required by applicable law.

(b) Any commission member, commission staff member or consultant who discloses information related to a request for advice or complaint, unless disclosure is allowed pursuant to subsection (a), shall be subject to the applicable provisions of Section 11-106 of the Revised Charter and Section 3-8.5.

(c) The disclosures of conflicts of interests as provided in the Revised Charter shall be made matters of public record at any time that such a conflict becomes apparent.

Agenda Item II.B.5.b.

Page 2

**[Reso 19-331 – Initiating
Amendments to the RCH
1973 (2017 Ed.) Re
Honolulu Ethics
Commission]**



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

19-331
No. _____

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (2017 EDITION), RELATING TO THE HONOLULU ETHICS COMMISSION.

WHEREAS, Section 11-107 of the Revised Charter of the City and County of Honolulu1 1973 (2017 Edition) ("Charter"), establishes an Ethics Commission ("Commission") composed of seven members appointed by the Mayor and confirmed by the Council to staggered five-year terms; and

WHEREAS, the Commission is attached to the Department of the Corporation Counsel for administrative purposes only; and

WHEREAS, the Commission has the basic duties of rendering advisory opinions, educating City officers and employees on and enforcing the standards of ethical conduct of the City, and registering lobbyists; and

WHEREAS, because the Commission is attached to the Department of the Corporation Counsel for administrative purposes, the Department of the Corporation Counsel/City Administration, may, after the annual executive operating budget ordinance has been enacted, impose restrictions on the Commission's budgeted expenditures; and

WHEREAS, the 2016 Charter Commission proposed, and the electorate ratified, an amendment to the Charter that prohibits the City Administration from withholding funding that has been approved by the Honolulu City Council ("Council") for the operation of the Department of the Prosecuting Attorney; and

WHEREAS, the Council believes that similarly prohibiting the City Administration from withholding funding that has been approved by the Council for the Commission would allow the Commission greater autonomy from the City Administration and further the Commission's ability to carry out the Commission's Charter-prescribed duties efficiently and effectively; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the ballot for the 2020 general election:

"Shall the Revised City Charter be amended to allow the Honolulu Ethics Commission to control its own budget after it has been enacted?"
2. That Section 9-106 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Administration and Enforcement of the Budget Ordinances") be amended by amending subsection 2 to read as follows:

"2. Administration and enforcement of the executive operating budget ordinance:
 - (a) The enactment of the executive operating budget ordinance or any supplementary appropriation shall constitute an appropriation of the sums specified therein for the purposes and from the funds indicated. Such appropriation shall be considered valid only for the fiscal year for which made, and any part of such appropriation which is not encumbered or expended shall lapse at the end of the fiscal year. Executive agencies authorized to make expenditures under the executive operating budget ordinance may proceed without other authority from the council to incur obligations or make expenditures for proper purposes to the extent that the moneys are available.
 - (b) Immediately following the enactment of the executive operating budget ordinance, the heads of all executive agencies, including the prosecuting attorney[;] and the chair of the ethics commission, shall submit to the director of budget and fiscal services schedules, supported by work programs, showing the expenditures anticipated for each quarter of the fiscal year.
 - (c) The approval of an expenditure schedule by the mayor shall constitute a budgetary allotment which shall, unless a revision thereof is approved by the mayor, be binding upon such agencies. The director of budget and fiscal services



RESOLUTION

shall approve or issue no requisition, purchase order, voucher, or warrant that is not in accordance with an allotment.

- (d) ~~[The]~~ Except as provided in paragraph (e), allotments herein provided may be altered at any time by the mayor. The mayor shall direct appropriate revisions in allotments to keep expenditures within the revenues received or anticipated.
- (e) The expenditure ~~[schedule]~~ schedules submitted by the prosecuting attorney and chair of the ethics commission shall constitute ~~[a]~~ budgetary ~~[allotment,]~~ allotments, without the approval by the mayor, which shall, unless a revision thereof is made by the prosecuting attorney~~[-]~~ or chair of the ethics commission, be binding upon the prosecuting attorney~~[-]~~ and ethics commission. The director of budget and fiscal services shall approve or issue no requisition, purchase order, voucher, or warrant that is not in accordance with an allotment. The allotments herein provided may not be altered at any time by the mayor. The mayor shall not direct ~~[appropriate]~~ revisions in allotments under this paragraph to keep expenditures within the revenues received or anticipated.
- (f) Any part of an allotment which is not expended or encumbered shall lapse at the end of the allotment period.
- (g) The mayor may transfer an unencumbered appropriation balance or portion thereof within the same department only as prescribed by law. Transfers between departments shall be made only by the council by ordinance upon the recommendation of the mayor.
- (h) The director of budget and fiscal services and the director's surety shall be liable for moneys withdrawn from any operating fund other than in accordance with the executive operating budget ordinance and allotments."



RESOLUTION

3. That Section 11-107 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) be amended to read as follows:

"Section 11-107. Ethics Commission --

There shall be ~~[within the department of the corporation counsel for administrative purposes only]~~ an ethics commission which shall consist of seven members. The commission shall be governed by ~~[the provisions of]~~ Section 13-103 ~~[of this charter]~~. In accordance with the prohibition in Article XIV of the Constitution of the State of Hawaii, the members of the ethics commission shall be prohibited from taking an active part in political management or in political campaigns.

The commission may appoint such staff and engage consultants as is necessary to assist it in the performance of its duties. Such staff and consultants may include attorneys who may advise the commission independently of the department of the corporation counsel. All staff positions shall be exempt from ~~[the provisions of]~~ Chapter 11 of Article VI ~~[of this charter]~~, but such staff positions, except the position of executive director and staff attorneys, shall be included in the position classification plan. The executive director shall be an attorney qualified to practice law in the State of Hawaii. The salaries of the executive director and any staff attorneys of the ethics commission shall be set by the ethics commission. The salary of the executive director shall not exceed the salary of the first deputy corporation counsel and the salaries of any other staff attorney shall not exceed the salary of the executive director.

The chair of the commission shall establish an expenditure schedule for appropriations made for the commission in the executive operating budget ordinance. For all other administrative purposes, the commission shall be within the department of the corporation counsel.

The commission is authorized to hold hearings and to conduct investigations concerning the application of this article ~~[of the charter]~~ and shall have the powers provided in Section 13-114 ~~[of this charter]~~.

The commission may, on its own initiative, render advisory opinions with respect to this article ~~[of the charter]~~. An advisory opinion shall be rendered pursuant to a written request of any elected or appointed officer or employee concerned and may be rendered pursuant to the request of any person. The commission shall publish its advisory opinions with such



RESOLUTION

deletions as may be necessary to prevent disclosure of the identity of the persons involved.

The commission may impose civil fines established by ordinance against elected and appointed officers and employees of the city with significant discretionary or fiscal power as determined by ordinance, found by the commission to have violated the standards of conduct established by this article ~~[of the charter]~~ or by ordinance. The commission shall recommend appropriate disciplinary action against officers and employees found to have violated the standards of conduct established by this article ~~[of the charter]~~ or by ordinance. The appointing authority shall promptly notify the commission of the action taken on the recommendation."

4. That in Sections 2 and 3, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, the Revisor of the Charter need not include the brackets, the bracketed material, or the underscoring.
5. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2020 general election, the Revisor of the Charter, in revising, compiling, or printing the Revised Charter:
 - a. May designate or redesignate articles, chapters, sections or parts of sections, and rearrange references thereto;
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved; and
 - c. Change capitalization or the form of numbers and monetary sums for the sake of uniformity.
6. That upon adoption of this resolution by the Council, the City Clerk be and is hereby directed:
 - a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question



RESOLUTION

for presentation to the electors at the 2020 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and

- b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2020 general election.
- 7. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect July 1, 2021.

INTRODUCED BY:

Tony Watts

DATE OF INTRODUCTION:

DEC 13 2019

Honolulu, Hawaii

Councilmembers

Agenda Item II.B.5.c.i.

Page 3

**[HB 361, HD1, SD1
Re Emoluments]**

HB361 HD1 SD1

Measure Title: RELATING TO EMOLUMENTS.

Report Title: Governor; Mayors; Outside Employment or Emoluments; Prohibited

Description: Prohibits the governor and each county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office. Specifies that the county boards and commissions have enforcement authority over each respective county mayor. Specifies that the hawaii state ethics commission has enforcement authority over the governor. Effective 7/1/2020. (SD1)

Companion:

Package: None

Current Referral: GVO, JDC

Introducer(s): SAIKI

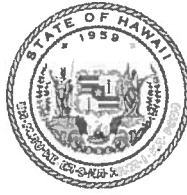
Sort by Date	Status Text
1/18/2019 H	Pending introduction.
1/22/2019 H	Introduced and Pass First Reading.
1/22/2019 H	Referred to JUD , referral sheet 3
1/29/2019 H	Bill scheduled to be heard by JUD on Thursday, 01-31-19 2:00PM in House conference room 325.
1/31/2019 H	The committee(s) on JUD recommend(s) that the measure be deferred until 02-01-19.
1/31/2019 H	Bill scheduled for decision making on Friday, 02-01-19 2:01PM in conference room 325.
2/1/2019 H	The committee(s) on JUD recommend(s) that the measure be deferred until 02-08-19.
2/5/2019 H	Bill scheduled for decision making on Friday, 02-08-19 2:00PM in conference room 325.
2/8/2019 H	The committees on JUD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 9 Ayes: Representative(s) C. Lee, San Buenaventura, Brower, Creagan, Lowen, Morikawa, Say, Takayama, Yamane; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) McKelvey, Thielen.
2/28/2019 H	Reported from JUD (Stand. Com. Rep. No. 957) as amended in HD 1, recommending passage on Second Reading and placement on the calendar for Third Reading.
2/28/2019 H	Passed Second Reading as amended in HD 1; placed on the calendar for Third Reading with none voting aye with reservations; none voting no (0) and Representative(s) DeCoite excused (1).
3/5/2019 H	Passed Third Reading with none voting aye with reservations; Representative(s) Kong, Say, Tokioka voting no (3) and none excused (0). Transmitted to Senate.
3/7/2019 S	Received from House (Hse. Com. No. 371).
3/7/2019 S	Passed First Reading.
3/7/2019 S	Referred to GVO, JDC.
3/8/2019 S	The committee(s) on GVO has scheduled a public hearing on 03-12-19 2:45PM in conference room 225.
3/12/2019 S	The committee(s) on GVO deferred the measure until 03-14-19 2:50PM in conference room 225.
3/14/2019 S	The committee(s) on GVO recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in GVO were as follows: 4 Aye(s): Senator(s) L. Thielen, Inouye, Baker, Kanuha; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Fevella.
3/21/2019 S	Reported from GVO (Stand. Com. Rep. No. 1363) with recommendation of passage on Second Reading, as amended (SD 1) and referral to JDC.
3/21/2019 S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to JDC.
12/1/2019 D	Carried over to 2020 Regular Session.
1/24/2020 S	The committee(s) on JDC will hold a public decision making on 01-28-20 10:15AM in conference room 016.

1/28/2020 S The committee(s) on JDC deferred the measure until 02-04-20 10:00AM in conference room 016.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

HB361 HD1 SD1



HAWAI'I STATE ETHICS COMMISSION

State of Hawai'i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai'i 96813

Committee: Committee on Judiciary
Bill Number: H.B. 361, HD1, SD1
Hearing Date/Time: Tuesday, January 28, 2020, 10:15 a.m.
Re: Testimony of the Hawai'i State Ethics Commission
SUPPORTING THE INTENT of H.B. 361, Relating to Emoluments

Dear Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

The Hawai'i State Ethics Commission ("Commission") supports the intent of H.B. 361, which seeks to promote integrity in government by addressing potential conflicts of interests.

The Commission does not have jurisdiction over county officials, such that the Commission takes no position as to whether the county mayors ought to be included in this type of provision. Indeed, it appears as though the Committee on Government Operations had intended to amend this measure to provide that "the respective county boards and commissions shall have enforcement authority over the prohibition against outside employment and emoluments for each county [Mayor.]"¹ Sen. Stand. Comm. Rep. 1363 (2019). However, the SD1 continues to give the State Ethics Commission such authority: "The Hawaii state ethics commission, responsible for interpreting and enforcing the state's code of ethics, shall have the authority to enforce this section." Such language could raise concerns under article XIV of the Hawai'i Constitution, which provides in relevant part: "the legislature, each political subdivision and the constitutional convention shall adopt a code of ethics which shall apply to appointed and elected officers and employees of the State or the political subdivision, respectively, including members of the boards, commissions and other bodies. Each code of ethics shall be administered by a separate ethics commission...." While the Commission stands ready to carry out the law as directed by the Legislature, the Commission respectfully suggests that jurisdiction over county officials remain with the county ethics commissions.

With respect to the governor, the Commission notes that Hawaii's fair treatment law, Hawai'i Revised Statutes ("HRS") § 84-13, already prohibits a governor from receiving a stipend or honorarium for doing work (for example, giving speeches) in his/her capacity as governor. Furthermore, Hawaii's financial disclosure law, HRS § 84-17, already requires the governor to file a public disclosure of financial interests every year, and the governor is already prohibited from holding "any other office or employment of profit under the State or the United States" while in office. Hawai'i Const. Art. V, section 1.

¹ The Report Description for HB361 likewise states: "Specifies that the county boards and commissions have enforcement authority over each respective county mayor."

Finally, the Commission respectfully submits that, in Section 3 of this measure, the language of proposed subsection (c) is likely superfluous: there is already language in HRS chapter 84 giving the Commission jurisdiction to take action on any alleged violations of any provision of chapter 84. HRS § 84-31(a)(6) (the Commission “shall have jurisdiction for purposes of investigation and taking appropriate action on alleged violations of this chapter in all proceedings commenced within six years of an alleged violation of this chapter by a legislator or employee[.]”). As such, the Committee may wish to remove proposed subsection (c) altogether.

Thank you for your continuing support of the Commission’s work and for considering the Commission’s testimony on H.B. 361.

Very truly yours,

Daniel Gluck
Executive Director and General Counsel

STAND. COM. REP. NO.

1363

Honolulu, Hawaii

MAR 21 2019

RE: H.B. No. 361
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 361, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMOLUMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the Governor or any county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office.

Your Committee received testimony in support of this measure from the Common Cause Hawaii, Honolulu County Republican Party, and three individuals. Your Committee received comments on this measure from the Hawaii State Ethics Commission.

Your Committee finds that the offices of the Governor and county Mayors are five of the most important public offices in the State. It is essential that the holders of those offices devote their full time, attention, and energy to serving the State and avoid even the appearance of a potential conflict of interest. Part of this commitment involves not holding other employment or receiving emoluments while serving as the Governor or a county Mayor.



Your Committee notes that this measure is necessary because the proposed prohibition on emoluments is broader in scope than the existing statutory prohibition for the Governor. Therefore, this measure would address citizens' concerns of potential conflicts of interest when the Governor is receiving remunerations from being on a board. This measure prohibits the Governor and county Mayors from holding other employment and receiving emoluments while in office, which prevents any semblance of impropriety or a conflict of interest, maintains fiscal integrity, and promotes public trust in government officials.

Your Committee respectfully requests your Committee on Judiciary to assess the appropriate chapter within the Hawaii Revised Statutes to place restrictions on county officials, as it appears that there are no comparable state statutory standards as that which exist for the Governor in chapter 84, Hawaii Revised Statutes. Your Committee also respectfully requests your Senate Committee on Judiciary determine if the Attorney General should have concurrent enforcement authority over the Governor and county officials, and whether this measure should include language authorizing a blind trust or similar process used at the federal level for financial entities, such as ownership or partnership managing a private business.

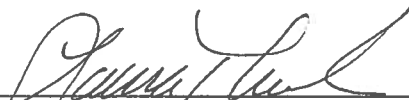
Your Committee has amended this measure by:

- (1) Moving the provision prohibiting the Governor, while in office, from maintaining other employment or receiving any emolument to Chapter 84, Hawaii Revised Statutes;
- (2) Specifying that the Hawaii State Ethics Commission shall have enforcement authority over the prohibition against outside employment and emoluments for the Governor;
- (3) Specifying that the respective county boards and commissions shall have enforcement authority over the prohibition against outside employment and emoluments for each county Mayors; and
- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 361, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 361, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



LAURA H. THIELEN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* HB361 HD1	Committee Referral: GVO, JDC	Date: 3/14/2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
THIELEN, Laura H. (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
BAKER, Rosalyn H.	✓			
KANUHA, Dru Mamo	✓			
FEVELLA, Kurt				✓
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes

A BILL FOR AN ACT

RELATING TO EMOLUMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The offices of the governor and county mayors
2 are five of the most important public offices in the State. It
3 is essential that the holders of those offices:

4 (1) Devote their full time, attention, and energy to
5 serving the people of Hawaii to the best of their
6 abilities; and

7 (2) Avoid even the appearance of a potential conflict of
8 interest.

9 Part of this commitment to fulfilling their duties and
10 maintaining public integrity involves not holding other
11 employment or receiving other emoluments while serving as the
12 governor or a county mayor. The legislature finds that this
13 matter is one of statewide concern and interest and is therefore
14 a permissible area of control reserved for the legislature.

15 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:



"§78- County mayors; outside employment and emoluments prohibited. (a) Beginning on the sixty-first calendar day after election or appointment to office, it shall be unlawful for each county mayor, while holding that office, to maintain any other employment or receive any emolument.

(b) As used in this section, "emolument" means any salary, fee, payment, wage, earning, allowance, stipend, honorarium, or reward; provided that "emolument" does not include the salary or benefits for service as a county mayor or any pension income; retirement income; social security payment; ownership of stocks, mutual funds, or real estate; rental income; or other form of passive income.

(c) The Hawaii state ethics commission, responsible for interpreting and enforcing the state's code of ethics, shall have the authority to enforce this section."

SECTION 3. Chapter 84, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§84- Governor; outside employment and emoluments prohibited. (a) Beginning on the sixty-first calendar day after election or appointment to office, it shall be unlawful



1 for the governor, while holding that office, to maintain any
2 other employment or receive any emolument.

3 (b) As used in this section, "emolument" means any salary,
4 fee, payment, wage, earning, allowance, stipend, honorarium, or
5 reward; provided that "emolument" does not include the salary or
6 benefits for service as the governor or any pension income;
7 retirement income; social security payment; ownership of stocks,
8 mutual funds, or real estate; rental income; or other form of
9 passive income.

10 (c) The Hawaii state ethics commission shall have the
11 authority to enforce this section."

12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2020.



H.B. NO. 361 H.D. 1 S.D. 1

Report Title:

Governor; Mayors; Outside Employment or Emoluments; Prohibited

Description:

Prohibits the governor and each county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office. Specifies that the county boards and commissions have enforcement authority over each respective county mayor. Specifies that the hawaii state ethics commission has enforcement authority over the governor.

Effective 7/1/2020. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



Agenda Item II.B.5.c.ii.

Page 3

[HB 1927

Re Emoluments]

HB1927

Measure Title: RELATING TO EMOLUMENTS.

Report Title: Governor; Mayors; Outside Employment or Emoluments; Prohibited

Description: Prohibits the governor and each county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office. Specifies that the county ethics boards and commissions have enforcement authority over each respective county mayor. Specifies that the Hawaii state ethics commission has enforcement authority over the governor.

Companion:

Package: None

Current Referral: JUD

Introducer(s): SAIKI, AQUINO, BELATTI, BROWER, CREAGAN, CULLEN, ELI, HASHIMOTO, ICHIYAMA, JOHANSON, KITAGAWA, B. KOBAYASHI, D. KOBAYASHI, C. LEE, LOWEN, LUKE, MATAYOSHI, MCKELVEY, MIZUNO, MORIKAWA, NAKAMURA, NAKASHIMA, OHNO, ONISHI, PERRUSO, SAN BUENAVENTURA, TAKAYAMA, TAKUMI, TARNAS, TODD, WILDBERGER, WOODSON, YAMANE, YAMASHITA

<u>Sort by Date</u>	<u>Status Text</u>	
1/17/2020	H	Pending introduction.
1/21/2020	H	Introduced and Pass First Reading.
1/23/2020	H	Referred to JUD, referral sheet 3

S = Senate | H = House | D = Data Systems | \$ = Appropriation measure | ConAm = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

HB1927

A BILL FOR AN ACT

RELATING TO EMOLUMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The offices of the governor and county mayors
2 are five of the most important public offices in the State. It
3 is essential that the holders of those offices:

4 (1) Devote their full-time attention and energy to serving
5 the people of Hawaii to the best of their abilities;

6 and

7 (2) Avoid even the appearance of a potential conflict of
8 interest.

9 Part of this commitment to fulfilling their duties and
10 maintaining public integrity involves not holding other
11 employment or receiving other emoluments while serving as the
12 governor or a county mayor. The legislature finds that this
13 matter is one of statewide concern and interest and is therefore
14 a permissible area of control reserved for the legislature.

15 SECTION 2. Chapter 78, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:



1 "§78- County mayors; outside employment and emoluments
2 prohibited. (a) Beginning on the sixty-first calendar day
3 after election or appointment to office, it shall be unlawful
4 for each county mayor, while holding that office, to engage in
5 any activity that results in the receipt of an emolument.

6 (b) As used in this section, "emolument" means any salary,
7 fee, payment, wage, earning, allowance, stipend, honorarium, or
8 reward from employment or providing a service; provided that
9 "emolument" does not include the salary or benefits for service
10 as a county mayor or any pension income; retirement income;
11 social security payment; ownership of stocks, mutual funds, or
12 real estate; rental income; or other form of passive income.

13 (c) The respective county ethics commission or board of
14 ethics shall have the authority to enforce this section."

15 SECTION 3. Chapter 84, Hawaii Revised Statutes, is amended
16 by adding a new section to be appropriately designated and to
17 read as follows:

18 "§84- Governor; outside employment and emoluments
19 prohibited. (a) Beginning on the sixty-first calendar day
20 after election or appointment to office, it shall be unlawful



H.B. NO. 1927

1 for the governor, while holding that office, to engage in any
 2 activity that results in the receipt of an emolument.

3 (b) As used in this section, "emolument" means any salary,
 4 fee, payment, wage, earning, allowance, stipend, honorarium, or
 5 reward from employment or providing a service; provided that
 6 "emolument" does not include the salary or benefits for service
 7 as the governor or any pension income; retirement income; social
 8 security payment; ownership of stocks, mutual funds, or real
 9 estate; rental income; or other form of passive income.

10 (c) The Hawaii state ethics commission shall have the
 11 authority to enforce this section."

12 SECTION 4. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 2020.

17

INTRODUCED BY:

[Handwritten signatures and names]
 On behalf of Richard George
Robert D.
John E. Lowe
John A. Blum
John B.
John F.
John G.
John H.
John I.
John J.
John K.
John L.
John M.
John N.
John O.
John P.
John Q.
John R.
John S.
John T.
John U.
John V.
John W.
John X.
John Y.
John Z.

HB HMS 2020-0283



3

H.B. NO. 1927

Report Title:

Governor; Mayors; Outside Employment or Emoluments; Prohibited

Description:

Prohibits the governor and each county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office. Specifies that the county ethics boards and commissions have enforcement authority over each respective county mayor. Specifies that the Hawaii state ethics commission has enforcement authority over the governor.

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HB HMS 2020-0283



Agenda Item II.B.5.c.iii.

Page 3

**[Honolulu Star
Advertiser Articles re
Legislative Bills]**

Lawmakers should advance ethics bills

By Sandy Ma

Whether true or not, Hawaii has a perceived ethics problem among government employees and elected officials. The most obvious are the former Honolulu Police Chief Louis Kealoha and his city deputy prosecutor, soon-to-be ex-wife Katherine Kealoha, who were both convicted in 2019 of conspiracy and obstruction of justice. The Kealoha corruption investigation embroiled the Honolulu Corporation Counsel Donna Leong and Honolulu Prosecuting Attorney Keith Kanehiro, who have both been on paid leave since early 2019.

State officials have also been guilty of ethical lapses. Former state House Speaker Daniel Kihano was convicted in 1997 of campaign finance law violations. Former state Sen. Milton Holt pleaded guilty in 1999 to mail fraud involving the use of campaign contributions for personal use. Government employees with the state Department of Land and Natural Resources on Kauai were found to have from 2013-18 falsified documents, misused government time and resources, awarded dozens of government contracts to a friend-owned business, and paid for first-class airfare using state funds.

This, unfortunately, is a small sampling of wrongdoings by elected officials and public employees related to their government duties and functions.

It is no wonder that, according to a Sept. 22, 2019, Star-Advertiser poll, a

majority of registered voters do not feel that Hawaii's elected officials have high ethical standards.

It is beyond time to address this. With the Hawaii Legislature opening Wednesday, and our Honolulu City Council reconvening the following week, our state legislators and Council members can reverse this negative public sentiment by enacting a few ethics regulations.

The state proposals below have been suggested before, but failed. Now, however, is the time to enact reforms to show the people that lawmakers are listening to demands for accountability, ethics and change. The state Legislature should in the 2020 session:

>> Authorize the forfeiture of pension benefits, by court order, for state or county employees who are convicted of an employment-related felony. A bill (House Bill 1264) to do this was introduced in 2019 by House Speaker Scott Saiki and was not objected to by the state Employees' Retirement System. This is a necessary reform to show that the system is not rewarding bad behavior or shielding its own.

>> Prohibit fundraisers and the solicitation of contributions during the legislative session. Again, a bill (HB 350) to do this was introduced in 2019, again by Saiki. Hawaii's Legislature is not a

ISLAND VOICES



Sandy Ma is executive director of Common Cause Hawaii.

full-time legislature, and there are other opportunities to fundraise. Having fundraisers and soliciting contributions during the session, when the focus should be on representing the people, gives the impression that there may be pay-to-play.

>> Prohibit the governor and each county mayor, while holding office, from maintaining any other employment or receiving any emolument. A bill (HB 361) to do this was introduced in 2019, by Saiki. Mayors and the governor are employed full-time in their positions and compensated full-time, and should not have competing outside remunerative interests as a distraction.

At the city level, the City Council should consider a Charter amendment to provide the Honolulu Ethics Commission with more autonomy. Proposed Resolution 19-331 would prohibit any city administration from withholding funding approved by the City Council for the Ethics Commission, hopefully leading to greater decision-making freedoms. This was done for the Honolulu Department of the Prosecuting Attorney.

Clearly, the proposed ideas for improving ethics are not new. The time is now for Hawaii lawmakers to put ethics first to restore the people's trust in government. If not now, then when?



CINDY ELLEN RUSSELL / CRUSSELL@STARADVERTISER.COM

Katherine and Louis Kealoha left federal court in June after a jury found them guilty of conspiracy and obstruction of justice.

HAWAII NEWS

New bill would limit 'revolving door' for lobbyists

By [Kevin Dayton](#) • Today • Updated 9:44 pm

A bill that would limit the ability of state lawmakers and top state officials to leave their government jobs and then quickly go to work lobbying the state Legislature is advancing in the state Senate.

Lawmakers aren't naming names, but some recent high-profile state officials who quickly made the jump from government positions to lobbying include former Lt. Gov. Douglas Chin and former Department of Business, Economic Development and Tourism Director Luis Salaveria.

Another example was Bruce Coppa, former chief of staff to Gov. Neil Abercrombie, who registered to lobby for more than two dozen businesses within weeks of the end of the Abercrombie administration.

[Senate Bill 2114](#) was proposed by the Hawaii State Ethics Commission, and would require that the governor and lieutenant governor, the heads of state departments in the governor's Cabinet, the governor's chief of staff and other key state officials wait at least a year before going to work lobbying the Legislature.

The existing ethics law requires former state employees to wait for one year before lobbying the departments where they worked or lobbying on issues they handled as state workers, but allows them to lobby the Legislature on other issues immediately.

Senate Government Operations Committee Chairwoman Laura Thielen, who served as a Cabinet member during Gov. Linda Lingle's administration, said she wasn't thinking of any particular case when she scheduled a hearing for the bill, but said the measure "seems to make sense."

Thielen is a former chairwoman of the state Board of Land and Natural Resources, and said, "As a Cabinet member, you will have established relationships with a lot of high-level employees across the state. Do you then turn around and monetize those relationships, or do you need to give it some time?"

"What they're trying to do is to make sure that we have a law that is going to promote ethical behavior and promote trust in government," she said of the Ethics Commission's bill.

The bill addresses a scenario that actually played out several times in state government in recent years.

Chin, a former state attorney general and lieutenant governor, left office as lieutenant governor in December 2018 after an unsuccessful run for Congress. By the following April he had registered with the [state Ethics Commission](#) to lobby for clients ranging from the Blue Planet Foundation to Park Hotels & Resorts and Hilton Worldwide.

Chin explained in an interview that while he actively lobbied lawmakers and the Ige administration for Blue Planet last year, he did not lobby for the other clients listed on his ethics disclosures. Chin said he was required by his law firm Starn, O'Toole, Marcus & Fisher to register to lobby for the firm's other lobbying clients, just in case his services were needed.

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Salaveria served as DBEDT director for Gov. David Ige's administration until December 2018, when he left and joined the law firm Ashford & Wriston the same month. Within three months Salaveria had registered to lobby for more than two dozen companies that included clients ranging from T-Mobile and Shell Oil to Costco Wholesale and private prison operator CoreCivic.

Salaveria declined to answer specific questions about his lobbying work or the proposed bill, but said in a written statement, "I have coordinated with the state Ethics Commission on matters I was involved with since my separation from state government. I would refer you to them in regards to any questions regarding my post-government employment."

He also declined to comment on SB 2114, saying that "I defer to the legislature on the intent of the measure."

Another example of what some have called the "revolving door" of state lobbying is Coppa, who left his old job as administrative director or governor's chief of staff at the end of the Abercrombie administration, and joined the Hawaii lobbying firm Capitol Consultants of Hawaii.

Less than four months later Coppa was registered to lobby for more than two dozen firms including Monsanto Co., the Motion Picture Association Inc. and AT&T.

"I have always strived to hold myself and my firm to the highest ethical standards," Coppa said in a written statement in response to questions. "When I left the previous administration, I was very careful about following the law and clear with my clients that I was not allowed to directly lobby the governor's office."

As for the proposed changes in SB 2114, "I support the legislature's desire to revisit the ethics laws," Coppa wrote. "As government affairs professionals, we want to ensure that the public and policy makers have confidence in the rules we must follow."

Dan Gluck, executive director of the state Ethics Commission, described the one-year restriction as "a cooling-off period."

"People have knowledge about how their agencies are operating, they have the relationships, and it's designed to prevent a revolving door between government and the private sector," he said.

The Senate government operations committee unanimously approved SB 2114 on Tuesday. The measure now goes to the

TOP STORIES

A Senate Judiciary Committee for further consideration.

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Editorial: Ethics reform bills deserve a hearing

Today • Updated 12:50 am

Ethics reforms for politicians and other public officials are a heavy lift, because the constraints would affect, among others, the very people who must enact them.

Good-government groups such as Common Cause Hawaii are reminding the public of a few such bills, languishing since the last session, that deserve another look. Additionally, there is at least one piece of legislation introduced this session that lawmakers should advance.

The more recent measure is Senate Bill 2114, which developed from a proposal by the State Ethics Commission. It would interrupt the "revolving door" that has led many lawmakers and other top government officials to immediately take jobs as lobbyists when they leave public service.

If it passes, as it should, there would be a one-year cooling-off period between the public job and starting the lobbying post.

In general, "revolving door" prohibitions are needed to insert some separation between the government's work being done and any consideration for a more lucrative job the private entity might offer to the official.

The one being proposed here is an improvement on current law. It is by no means the strictest rule in the country: According to the National Conference of State Legislatures, that distinction belongs to Florida, which has enacted a six-year cooling-off period, set to take effect at the end of 2022.

SB 2114 last week passed the Senate Government Operations Committee, moving on to the Judiciary Committee. As it progresses, the legislation should include key amendments proposed by the Ethics Commission.

Among these changes, now in House Bill 2124, is one that would require all affected state officials to maintain the confidentiality of information they got only because of their position. The revolving-door employment prohibition itself would only apply to those employed for 181 days or longer.

This is essential to prevent proprietary information to which an official is privy from becoming commodities that a private entity working with the state might want to acquire by hiring that official.

What should be open for discussion is the number of officials who, in addition to lawmakers, would be subject to the restrictions. HB 2124 includes an appropriately expanded list — 35 positions, starting with the governor, including various elected and administrative posts.

Here are other proposals that deserve resuscitation, shelved by the 2019 Legislature:

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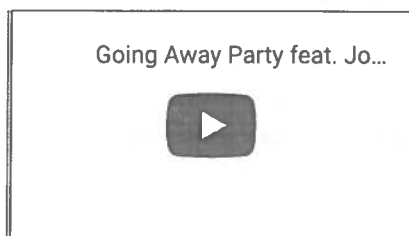
>> HB 1264 would authorize the forfeiture of pension benefits, by court order, for state and county employees convicted of a felony related to his or her public duties. The corruption case of Louis and Katherine Kealoha — respectively Honolulu's former police chief and deputy prosecutor, now convicted on conspiracy charges — is what brings this issue to the fore.

The bill would make the forfeiture subject to the finding of the court, which should help ensure that this additional penalty is fairly applied.

>> HB 350 would prohibit fundraisers and solicitations of contributions during the legislative session; having these going on concurrently paves the way to pay-to-play corruptive influence over lawmakers.

>> HB 361 would prohibit the governor and all county mayors, during their terms of office, from holding another job or receiving any salary, fee or remuneration. Voters deserve top executives who are not distracted by outside employment or enrichment.

Ethics reforms often do sink below the radar, because they deal with the government business that goes on in back rooms. Stripping away that shadowy cover is exactly what the voters, who expect their interests to be paramount, should demand this session.



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TOP STORIES



Agenda Item II.B.6.b.
Page 3
[Hawaii Tribune Article
Re Maunakea Access
Road]



Hawaii News

Board asks if ongoing blockade of Maunakea Access Road is allowed under county ethics code

By NANCY COOK LAUER West Hawaii Today | Thursday, December 12, 2019, 12:05 a.m.

Is it an ethics matter if some people break the law with apparent impunity while others get punished?

That's the question the county Board of Ethics plans to tackle during its next meeting, with a resolution to investigate whether the ongoing blockade of Maunakea Access Road by protesters is allowed under the county ethics code. The board could, if it agrees to the resolution, call officials to testify on their actions or lack of action.

The road has been blocked since mid-July by protesters, who call themselves "kia'i," or "protectors," opposed to construction of the Thirty Meter Telescope on Maunakea. Protesters object primarily on environmental and religious grounds.

While 30 people were arrested early in the standoff and charged with misdemeanor obstruction of a government function, the road has remained closed, forcing the shuttering of tour companies and causing frustration to residents wanting to visit the mountain or the 13 telescopes on the mountain.

"Not all citizens of the county are being treated fairly because some citizens are allowed to violate the law and others are not," said board member Larry Heintz. "They're not enforcing the law ... equally."

Board member David Wiseman agreed.

"The laws shouldn't be discriminately applied," he said.

Board members brought the question up earlier this fall during a statewide ethics conference in Honolulu.

"They said it was an interesting and good question, but everybody ducked," Heintz said.

Chairman Rick Robinson asked if the county Ethics Board could petition the state Ethics Commission to look into the issue. He was told by Deputy Corporation Counsel Malia Hall that board members could petition the commission as private citizens, but the board could not. The county board could, however, initiate its own resolution.

"There seems to be no adherence to the rule of law," Robinson said.

The county ethics code, in Section 2-38 under Fair Treatment, states, "All public property and equipment are to be treated as a public trust and are not to be used in a proprietary manner or for personal purposes without proper consent. ... All persons shall be treated in a courteous, fair and impartial manner."

The board rarely initiates its own investigations, instead investigating complaints brought by residents. But it has the authority to do so.

Agenda Item II.B.7.

Page 3

**[Reference Materials Re
Free Lunch & Gifts to
City Officers &
Employees]**

Free Lunch From A Contractor Is Annual Tradition at Honolulu Hale

The Ethics Commission is considering a zero-tolerance policy on “tokens of aloha.”

By Christina Jedra / Civil Beat, December 27, 2019

Honolulu ethics guidelines say city departments shouldn’t accept any gifts from those doing business with their agencies. That includes contractors.

But for at least five years, a major city contractor, the RM Towill Corp., has gifted lunches to city agencies.

Among them is the Honolulu City Council, whose chair recently pledged to reimburse the company for a 100-person luncheon amid ethics concerns. On Nov. 20, the engineering company also footed the holiday lunch bill for over 200 workers in the departments of Design and Construction and the Environmental Services’ Wastewater Division at around \$8 per head, according to the mayor’s office.

Towill has nearly \$8 million in design and construction contracts alone. The city and Towill said the food was just a “token of aloha” that can be considered an exception to the regular ethics rules.

“We’re not expecting anything from these tokens of aloha,” said David Tanoue, vice president of RM Towill. “Just thanking them for their public service.”

That conflicts with Honolulu Ethics Commission guidelines that advise city agencies they are generally prohibited from accepting anything from city contractors – regardless of the value of the gift. A Frequently Asked Questions sheet from the commission specifically says a private company can buy lunch for a city office only if the meal is “simply and modestly priced” and “the private company has no business before your city agency.”

“To buy an entire department lunch seems kind of problematic,” said Sandy Ma, executive director of Common Cause, a nonprofit that advocates for open and ethical government. “It does seem to raise an inference of impropriety.”

While offering a token of aloha like a lei or box of manapua valued at less than \$50 is generally acceptable, Ethics Director Jan Yamane said earlier this month that larger gestures can be problematic. Whether a scenario amounts to an ethics violation is considered on a case-by-case basis, she said. Yamane was unavailable for comment for this story.

The city’s position is that the lunches were harmless because the cost per person was low and the city departments don’t hire Towill directly, according to Andrew Pereira, Mayor Kirk

Caldwell's outgoing communications director. Contracts are awarded through a procurement process.

"There would be very little room if any for influence," Pereira said. "It was just a simple gift of aloha to show employees appreciation for the work they do."

Tanoue added that Towill representatives didn't attend the lunch or display their brand.

To cut through any confusion, Honolulu Ethics Commission members have been discussing whether they should put an end to gifts of aloha altogether.

"It's slippery," Commissioner Peter Adler said at an October meeting as he moved for a zero-tolerance policy.

Gifts of aloha are mostly offered to employees who have a public-facing role, like clerks, Yamane said.

"The idea of a tip jar on a city counter would probably not be OK," Yamane said. "How different is a box of manapua? Is that a tip for a city employee who is already getting paid to do their city job?"

At the meeting, Oahu resident Natalie Iwasa cautioned against a total ban on gifts of aloha. She said she appreciates the opportunity to provide baked goods to the fire department because city firefighters saved her husband's life.

"It's an expression of gratitude," she said.

Commissioner David Monk liked the idea of clear boundaries but worried a hardline approach might offend people who try to show goodwill toward the city.

"Clean and simple is very appealing," he said. "But culturally, to have something like that imposed here I think would be very painful for a lot of people."

The commission is expected to make a decision sometime next year.

Tanoue said it would be helpful for the commission to clarify what's allowed and what isn't. "I read somewhere this was OK," he said. "Maybe they can provide more guidance for everybody."

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Honolulu City Council Voted On Company's Project Then Let It Buy Lunch

Ethics guidelines advise government agencies against accepting free food if the company has business before the city.

By Christina Jedra / Civil Beat, December 10, 2019

Right after Honolulu City Council members voted on Wednesday to advance a controversial rezoning measure, they broke for lunch – a spread of shoyu pork, chicken and salads all paid for by a company representing the landowner.

That's despite guidance from the Honolulu Ethics Commission that government agencies should not accept gifts – defined as anything the government didn't pay full value for – from companies with business before them.

"That's a concern for sure," said Natalie Iwasa, an Oahu resident who testified against Bill 27. "We have these rules in place for a reason."

RM Towill, an engineering consultant, contributed food valued at \$6 to \$8 per head for about 100 people at the "holiday lunch," according to Council Communications Director Louise McCoy.

On Monday night, McCoy emailed to say council Chair Ikaika Anderson had decided to reimburse the company for the lunch with his personal funds.

Ethics Commission guidelines address this very scenario. And city agencies received a reminder of how to handle these matters just last week.

"A private company offered to buy lunch for our city office of over 50 people. May we accept?" the Frequently Asked Questions sheet asks.

"Generally yes, if the lunch is relatively simple and modestly priced per person (e.g., bento or chili/rice, drink, and dessert) and the private company has no business before your city agency."

On Wednesday, council members took their lunch break right after voting on whether Horseshoe Land Company LLC – for which RM Towill is an agent – can rezone preservation land in Kaneohe as residential. The company wants to build eight houses, a plan that's been hit by fierce opposition from community members, hundreds of whom have signed a petition against it.

Those who protest the project say they have concerns about environmental impacts and flooding in the area and object on principle to the conversion of preservation land for

residential use.

Most council members were less than enthusiastic about supporting the rezoning bill but voted to advance it anyway. Five council members voted to approve the rezoning “with reservations,” including Carol Fukunaga, Ann Kobayashi, Joey Manahan, Ron Menor and Heidi Tsuneyoshi. Anderson voted no, as did members Brandon Elefante, Kymberly Pine and Tommy Waters. Civil Beat emailed each council member’s communications representative for comment about the free lunch on Monday. Only Menor responded.

“I had advised Chair Anderson of my position that the Council should not accept RM Towill’s offer to provide lunch,” he wrote in a message. “I also instructed members of my staff not to partake in the lunch, which they complied with.”

McCoy said Towill has provided a holiday lunch to the council and its staffers for the past five years. The donated food supplemented rice, desserts and baked goods brought in by staff for a potluck, she said, and Towill representatives did not attend.

Prior to accepting RM Towill’s offer, Anderson’s office reached out to the Ethics Commission to “ensure that acceptance would not create any conflicts or violate any laws,” McCoy said.

Civil Beat requested documentation of the commission’s approval, but McCoy did not provide any.

Later Monday night, McCoy said Anderson didn’t want there to be any appearance of impropriety or misinterpretation and told the Ethics Commission his office will reimburse RM Towill for the cost of the lunch.

“The chairman is awaiting an invoice from RM Towill showing the exact cost of their food contribution to the potluck,” McCoy wrote in an email.

Anderson declined to comment directly for this story.

Ethics Director Jan Yamane said she could not confirm or deny whether she OK’d the free lunch. Requests for advice are confidential, she said.

In general, she said it’s all right for agencies to accept “tokens of aloha,” small items like lei or boxes of manapua. Larger gestures – especially to agencies with real decision-making power – may warrant more scrutiny.

“That’s where the analysis comes in,” she said.

David K. Tanoue, vice president of RM Towill, said he considered the food a gift of aloha because of its low cost per person.

"We didn't expect anything out of it," he said. "It was just to say thanks for their public service and sacrifice."

In another notice issued by the commission, the Elf on the Shelf offers advice on when accepting gifts is appropriate, and when it's not. Gifts are "usually prohibited, regardless of the value of the gift," when the giver is a person or business that is:

- regulated by the agency
- applying for a permit with the agency
- involved in a contested case with the agency
- a contractor, consultant or vendor of the agency
- a lobbyist

A request for rezoning would be "similar" to applying for a permit, Yamane said.

"We counsel agencies as a general matter that if you feel uncomfortable about it, you can always decline," she said. "Tell them the Grinch told you to do it."

Kau'i Pratt-Aquino, an attorney and Kaneohe resident who has fought in opposition to the rezoning, said she hopes "special interests" will not influence the judgment of the city's elected leaders. She said the community was already concerned about campaign donations to council members from the project's representatives.

"We cannot understand how this project can continue to progress given all the direct witness testimony given to the council," said Pratt-Aquino, who is running for a state representative seat. "The concern is what other factors are influencing this process?"

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Excerpt – 11 Foreign Affairs Manual 611.4-4, US State Department

Principles of Ethical Conduct

- a. Public service is a public trust; employees must place loyalty to the Constitution, the laws, and ethical principles above private gain.
- b. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- c. Employees shall not engage in financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.
- d. Employees shall not, except as permitted by the Standards of Ethical Conduct, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the Department, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- e. Employees shall put forth honest effort in the performance of their duties.
- f. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the government.
- g. Employees shall not use public office for private gain.
- h. Employees shall act impartially and not give preferential treatment to any private organization or individual.
- i. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- j. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official government duties and responsibilities.
- k. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- l. Employees shall satisfy in good faith their obligations as citizens, including all financial obligations, especially those imposed by law, such as Federal, State, or local taxes.

m. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, gender identity, sexual orientation, national origin, age, or handicap.

n. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

Agenda Item V.A.2.
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[DRAFT Community
Outreach Plan]

Ethics Commission Community Outreach Plan

Draft 7/20/19

Note: Topics, Venues and Authors/Speakers to be matched.

Goals

- To communicate the role, scope and limitations of the Ethics Commission
- To reassure the public that the commission will do the right thing
- Increase visibility of the commission which hopefully will result in an increased budget to perform duties

Possible Topics

- Proposed Strategic Plan
- General information on the Commission's Duties
- Specific facts about Chuck Totto case
- Update on pending Kealoha matters
- Update on Lincoln Ashida, Barbara Petrus matters
- Streamlining of lobbyists filing

Possible Venues

- Letter to the Editor – Star-Advertiser, Civil Beat, PBN, Hawaii Business
- Opinion Piece – Star-Advertiser, Civil Beat, PBN, Hawaii Business
- Editorial Board meeting - Star-Advertiser, Civil Beat, PBN, Hawaii Business
- PBS - Insights
- Segment on television morning shows
- Online responses
- Speakers Bureau – such as Rotary Clubs, Lions Clubs, Soroptimists, etc.
- Our website
- Our newsletter
- A letter to those who have filed complaints

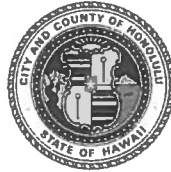
Authors/Speakers

- Jan as head of staff
- Victoria Marks as Chair
- Mike Lilly as Vice Chair
- Riki Mae Amano as a longstanding commissioner
- All commissioners

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL
MAYOR



JAN K. YAMANE
EXECUTIVE DIRECTOR
AND LEGAL COUNSEL

**Media Policy
June 20, 2018**

Policy

One of the primary roles of the Honolulu Ethics Commission is to maintain and improve public confidence in government officials and employees. One of the ways in which it fulfills this role is by communicating with the public through the news media. The purpose of a news release from the Commission is to summarize and communicate to the public the important positions or actions taken by the Commission, as well as their impact on the public and the integrity of city government and city officials. In response to media queries, the Commission will strive at all times to convey accurate information while maintaining required confidentiality.

Procedure

The following procedures will be followed as reasonably practicable:

1. Media interaction will aim to educate and inform the public and city workforce about the City ethics program, including the standards of conduct governing the work of City officers and employees, ethics training, legislation, statistics, and Commission priorities.
2. In news releases about formal advisory opinions and findings, staff should refrain from interpreting the opinions and findings. However, it is permissible to extrapolate from advisory opinions or findings of the Commission to comment on how those opinions or findings may affect future hypothetical situations.
3. All media enquiries should be directed to the Executive Director/Legal Counsel ("EDLC"). The EDLC will respond in the normal course. At the earliest reasonable opportunity, the EDLC will inform Commission members by email of the content of comments made to the media. To avoid confusion and potentially contradictory information, Commission members and staff should not communicate with media on behalf of the Commission. However, Commission members and staff are permitted to comment publicly in their individual capacities.

4. Comments in a news release shall be attributed to either the Commission or Commission staff, as consistent with the statement being reported.
5. All written media communications shall be sent to the following, in order:
 - Ethics Commission members
 - Complainant(s) and respondent(s), if applicable
 - City administration (mayor, managing director, cabinet)
 - Councilmembers
 - Media
 - Members of the public who have asked to receive Commission news releases
 - Departmental administrative service officers
 - Other requestors